This PDF you are browsing is in a series of several scanned documents containing the collation of all research material of Prof. Kul Bhushan Mohtra ji.Mohtra ji is currently the State Incharge Library and Documentation Department, J&K BJP Headquarters, Nanaji Deshmukh Library..This material was gathered while he was working on his multiple books on J&K History.All this rare material is now offered to the Community freely.

CV:

Kul Bhushan Mohtra was born on 9th Sep, 1957 in a village Amuwala in Kathua district.

Matric from BOSE, Jammu and Adeeb from AMU. Has been awarded Honorary Professor by School of Liberal Art & Languages, Shobhit University, Gangoh, Distt. Saharanpur, U.P.

Director General, Raja Ram Mohan Roy Library Foundation nominated him as his nominee in the Committee for purchasing of Books for UT Jammu & Kashmir. Incharge of Nanaji Deshmukh Library & Documentation Department at BJP state HQ in J&K.

Actively engaged in political, social, charitable and religious activities. Always striving to serve the poor and downtrodden of the society.

Main works-

A saga of Sacrifices: Praja Parishad Movement in J&K

100 Documents: A reference book J&K, Mission Accomplished

A Compendium of Icons of Jammu & Kashmir & our Inspiration (English)

Jammu Kashmir ki Sangarsh Gatha (Hindi)

Scanning and upload by eGangotri Foundation.

F-5

JAMMU AND KASHMIR GOVERNMENT

24

FiLE NO:23

The Teaty of Amritsar

Memorial of Demands presented by the Kashmiri Pandits to his Highness Raj Rajeshwar, Maharajadhiraj, Shri Maharaja Sir HariSingh Ji Bahadur, Inder Mahindar, Sifat-i-Inglishia, G.C.I.E., K.C.V.O., A.D.C., Maharaja of Jammu & Kashmir

Instrument of Accession of Jammu and Kashmir State

Date of Opening ________

SUBJECT

PE 1990-91

①

THE TEATY OF AMRITSAR

THE SALE DEED

The infamous treaty, rightly condemned as the "Sale-deed" of Kashmir, signed at Amritsar on 16th March, 1846, by Mr. F. Currie and Brevet-Major Henry Montgomery Lawrence on behalf of Lord Hardinge and Gulab Singh in person is reproduced below :

> "Treaty between the British Government on the one part and Maharajah Gulab Singh of Jammu on the other, concluded on the part of the British Government by Frederick Currie, Esquire, and Brevet-Major Henry Montgomery Lawrence, acting under the orders of the Right Honourable Sir Henry Hardinge, G.C.B., one of Her Britannic Majesty's most honourable Privy Council, Governor-General of the possessions of the East India Company, to direct and control all their affair in the East Indies and by Maharajah Gulab Singh in person."

ARTICLE I

The British Government transfers and makes over for ever in independent possession to Maharajah Gulab Singh and the heirs male of his body all the hilly or mountainous country with its dependencies situated to the eastward of the River Ravi including Chamba and excluding Lahul, being part of the territories ceded to the British Government by the Lahore State according to the provision of Article IV of the Treaty of Lahore, dated 9th March, 1846.

ARTICLE 2

The eastern boundary of the tract transferred by the foregoing article to Maharajah Gulab Singh shall be laid down by the Commissioners appointed by the British Government and Maharajah Gulab Singh respectively for the purpose and shall be defined in a separate agreement after survey.

ARTICLE 3

In consideration of the transfer made to him and his heirs by the provisions of the foregoing article, Maharajah Gulab Singh will pay to the British Government the sum of seventy-five lakhs of rupees (Nanukshahee), fifty lakhs to be paid on ratification of this Treaty and twenty-five lakhs on or before the 1st of October of the current year, A.D. 1846.

ARTICLE 4

The limits of the territories of Maharajah Gulab Singh shall not be at any time changed without concurrence of the British Government.

ARTICLE 5

Maharajah Gulab Singh will refer to the arbitration of the British Government any disputes or question that may arise between himself and the Government of Lahore or any other neighbouring State, and will abide by the decisions of the British Government.

ARTICLE 6

Maharajah Gulab Singh engages for himself and heirs to join, with the whole of his Military forces, the British troops, when employed within the hills or in the territories adjoining his possessions.

ARTICLE 7

Maharajah Gulab Singh engages never to take or retain in his service any British subject nor the subject of any European or American State without the consent of the British Government.

ARTICLE 8

Maharajah Gulab Singh engages to respect in regard to the territory transferred to him, the provisions of articles V, VI and VII of the separate Engagement between the British Government and the Lahore Durbar, dated 11th March, 1846.

> "Referring to Jagirdars, arrears of revenue and property in the forts that are to be transferred".

---

[1] Hashmatullah, p. 57.

③

ARTICLE 9

The British Government will give its aid to Maharajah Gulab Singh in protecting his territories from external enemies.

ARTICLE 10

Maharajah Gulab Singh acknowledges the supremacy of the British Government and will, in token of such supremacy, present annually to the British Government one horse, twelve (shawl) goats of approved breed (six male and six female) and three pairs of Cashmere shawls.

This Treaty of ten articles has been this day settled by Frederic Currie, Esquire, and Brevet-Major Henry Montgomery Lawrence, acting under directions of the Right Honourable Sir Henry Hardinge, G.C.P., Governor-General, on the part of the British Government and by Maharajah Gulab Singh in person, and the said Treaty has been this day ratified by the seal of the Right Honourable Sir Henry Hardinge, G.C.B., Governor-General.

(Done at Amritsar the sixteenth day of March, in the year of our Lord one thousand eight hundred and forty-six, corresponding with the seventeenth day of Rubbe-ul-Awal 1262 Hijree).

Source: Saraf, Muhammad Yusuf! Kashmiri's Fight For Freedom, Ferozsons Ltd Lahore 1977 PP 188-190.

Signed H. Hardinge (SEAL)

Signed F. Currie
Signed H.M. Lawrence

By order of the Right Honourable the Governor-General of India.

Signed F. Currie
Secretary to the Government of India,
with the Governor-General".

J.D. Cunningham records :

"On this occasion, 'Maharaja' Gulab Singh stood up and with joined hands, expressed his gratitude to the British Viceroy,............ adding, however, without any ironical meaning, that he was indeed his 'zur-khureed' or gold-boughten, slave."

On 13th March, 1884, it was arranged by mutual consent that in future the Maharaja shall present, instead of 12 goats etc., 10 lbs of pashm in its natural

A

---

④

state as brought to Kashmir from Leh, 4 lbs of picked and assorted black wool, 4 lbs. grey wool, 4 lbs white wool and 1 lb. each of the three best qualities of white yarn.

There is no doubt and it must be conceded that in Britain powerful voices were raised both in and outside the House of Commons against this atrocious sale of the people of Kashmir as they felt a sense of outrage but as usually happens, it is essentially human for everyone to defend his actions, regardless of being right or wrong. The Governor-General Lord Hardinge was no exception. A man, who had so conveniently agreed to the sale of a people described by United Nations Mediator, Justice Dixon, as "a people of song and story," for a small amount of rupees seventy five lacs, could not be expected to rise or think above the level of an average man of his age. He could easily foresee the uproar at home and, therefore, in anticipation sought to justify his action, in three communications. Of these, two are being reproduced here to show not only the hollowness of the arguments advanced and the unreality of the justification pleaded but also that he wrote conflicting and contradictory letters which at least show that he was not free from personal blame. In fact, the spirited defence put forward by him of a man like Gulab Singh, described by one of his own detached countrymen as "a monster of inequity", shows that the Raja, who, according to Mr. Panikkar, was trained "in a hard school where lying, intrigue and treachery were all considered part and parcel of politics", and who, as his past history has shown, resorted to the use of money every time his interests were in danger or he had some interest to advance, may have, after all, used money in winning over at least some of the representatives of the Great Queen Victoria.

HARDINGE EXPLAINS

As the man responsible for the unprecedented sale of such a vast number of people with at least a three thousand years old history and one who stands universally condemned in Kashmir as a vendor of human flesh, it is historically important to reproduce the letters he wrote to the Secret Committee and Lord Ellenborough, the then First Lord of the Admiralty and himself a former Governor-General of India, so as to know what he has to say in his defence. The one reproduced below is addressed to the Secret Committee Overseas Dominions and is dated 14th March, which means after the signing of the Lahore Treaty but two days before the signing of the Amritsar treaty:

Source:

② ⑤

Dr. Sir, Mohammed Iqbal's immortal verse in his addressed (about the Treaty of Amritsir – Sale Deed) at the eve of the inauguration of the League of Nations:

" O breeze! if thou dost pass
By Geneva sometime,
To the League of Nations take
This sad and gloomy rhyme.
Each hill, each garden, field,
Each farmer too they sold,
A nation for a price
That makes my blood ice-cold."

~~Source:~~
(~~Muhammad yusef~~ Saraf's Kashmiri Fight - For Freedom ~~op.~~ Ferozsons Ltd. Lahore. P. 201)

~~Sources: Kashmiri's Fight For Freedom~~
(Source: Saraf, Muhammad Yusaf: Kashmiris Fight. For freedom. Ferozsons Ltd Lahore. ~~P. 201~~ Vol. I. P. [illegible]

(3)

3. Memorandum presented to Lord Reading by the leading members of Muslim Community of Kashmir on 28th Oct. 1924, ~~and~~ which was said to have been drafted by Mr. Agha ~~Had~~ Haider

not recorded anywhere but it is said that it was presented when he visited a shop to see the local handicrafts. The Memorandum contained the following demands :

1. Proprietary rights in land should be granted to the tenants, as these had been forcibly snatched away from them.
2. Muslim representation in the State Council should be according to their ratio in the population.
3. In order to give Muslims effective representation in the Services, all future vacancies be made available to them and in case Muslims with requisite qualifications were not locally available, Muslims from outside Kashmir, be appointed till such time as the local talent was available.
4. To weed out corruption from Services which had exceeded all limits, an impartial tribunal be appointed to inquire into these complaints and award punishment.
5. Since agriculture was the principal occupation of the people, the Governor of Kashmir valley should be a Muslim and if Muslims of requisite qualifications are not available, some Englishman may be appointed to the post. Similarly Muslims should be appointed to important posts such as the Superintendent of Police, the Assistant Superintendent of Police, Superintendent Customs, etc.
6. The cases registered against labourers of the Silk Factory be made over for trial to a tribunal which should consist of at least two law-knowing and impartial Judges, one of whom must be a European.
7. Since the entire labour force of the Silk Factory consists of Muslims, it is essential that the latter be appointed to higher administrative posts in the factory.
8. The Department of Shali (rice) should be liquidated and the restrictions, imposed on the import of foodgrains from outside the State, be removed. In order to reduce the burden on the peasants who had to pay the revenue in the form of Shali, food rationing in Srinagar be restricted to poor people only.
9. A Muslim or European expert on education be appointed to look after Muslim education. Compulsory free primary education be introduced and the same be initiated from Srinagar city. Muslims be recruited both as teachers and Inspectors in greater numbers and sufficient number of scholarship be made available to them for higher education in India and abroad.
10. Free forced labour should be completely abolished and replaced by contractual labour.
11. The lands that had been forcibly and illegally seized from Muslims and awarded to non-Muslims, should be restored to their respective owners.
12. An elected Legislative Assembly which should also work as a Constituent Assembly for the drafting of a Constitution for the State, be set up immediately. Muslim population must be kept in view while granting representation to the various communities.
13. The Government contracts, particularly those relating to forests, roads and construction, should be granted to State nationals in general and to Muslims in particular.
14. The Mosques and other religious properties which are in possession of the Government be immediately restored and steps be taken to ensure that Muslim religious places and graveyards remain protected from future encroachment by non-Muslims.
15. A cess of six pies per rupee charged with the land revenue from Muslims for the repairs of Jamia Masjid Srinagar be made permanent provided half of it is spent on the repairs of other historical shrines and the other half on the advancement of their education; provided further, a Board consisting of Muslims is constituted to administer the fund.
16. A Commission composed of impartial European officers be appointed to inquire into Muslim grievances regarding the Zuljinnah procession, the incident at Khanqah-e-Shah-i-Hamdan and those relating to Islamabad and Baramula.
17. Since the rights of Muslims are insecure and are trampled under by the local authorities, the Resident of Kashmir be made answerable for their plight.

Attached with the memorandum was a statement prepared on the basis of the Civil list showing the extreme inadequacy of Muslim representation in the Services. According to the statement, the number of non-Muslim gazetted officers in Kashmir valley was 421, who drew, as pay, a sum of Rs. 16,50,114, while the number of Muslim gazetted officers was hardly 55 whose pay amounted to Rs. 1,47,852/-. The memorandum

Source: Saraf, Mohammad Yusaf: Kashmiris Fight for Freedom, op.cit PP336-337.

④ P.

List of the martyrs of 13th July 1931:-

city. Most of them broke down under the strain of emotions. The place has since come to be known as Mazar-i-Shuhada where, every year on 13th July, Muslims from all over Kashmir assemble to enshrine their memory and rededicate themselves to the Cause of freedom and dignity. Given below is a list of the martyrs:—

(P-9)

NAME	AGE	RESIDENCE
1. Ghulam Mohammad Halwi	25 years	Jamia Masjid
2. Abdul Khalique Shora	33 years	Wazapura
3. Ghulam Nabi Kalawal	27 years	Pandan
4. Ghulam Mohammad Soofi	20 years	Daribal

---

[1] Nelson by Warner, p. 197.

NAME	AGE	RESIDENCE
5. Ghulam Qadir Butt	22 years	Mohalla Bahandin
6. Mohammad Ramazan	19 years	Khanyar
7. Mohammad Usman	20 years	Kalashpura
8. Ghulam Mohammad Naqash	22 years	Kani Kadal
9. Ghulam Rasool Darzi	23 years	Ahmeda Kadal
10. Amir Joo Jandagaroo	27 years	Gojwara
11. Abdul Ahad	23 years	Gao Kadal
12. Ghulam Ahmed Kalbaf	32 years	Fateh Kadal
13. Amir Joo Makai	35 years	Nawa Kadal
14. Shaaban Joo Makai	60 years	Nawa Kadal
15. Subhan Khan	22 years	Nawab Bazar
16. Abdul Khalique	30 years	Watal Kadal
17. Mohammad Akbar	33 years	Zaldagar
18. Abdul Qadir	26 years	Bahandin
19. Ghulam Rasool Dora	27 years	Gotapura
20. Ahmed Rather	30 years	Naushdra
21. Ahmed Dar	30 years	Naushdra
22. Wali Wani	50 years	Batapura.

It ~~will have~~ had been noted that none of them ~~is~~ was less than nineteen years old while only two ~~are~~ were above 35 years.

Saraf's
(~~Source~~ : Muhammad Yusuf
~~Saraf's~~ Kashmiris Fight
For Freedom vol I. op. cit pp 378-79)

⑤

Sheikh Mohammad Abdullah's statement after ~~Martyre of 1931:~~ 13th July 1931, massacre;

Sheikh Abdullah said:—

"I was attending a victim who told me in a fast fading voice: "Abdullah! I have done my duty. Now you proceed ahead". I did proceed ahead. Many an odds stood in the way but I surmounted them; so much so that the Premier, Pandit Hari Kishan Kaul stood like a wall in my way. I was rearrested on 21st September; in the Jail I was stripped completely naked and for 13 days I struggled between life and death but this did not damn my spirits; my aspirations did not cool off; my enthusiasm did not fade away. When I was released on 3rd October, I was again in the midst of the movement. The words of the martyr were still ringing in my ears: Abdullah! I have done my duty. Now you proceed ahead."

(Source: Saraf, Mohammad Yusuf
Kashmiri's Fight For Freedom Vol. I
op. cit. p. 380)

6.

p-12

Chaudhari Ghulam Abbas Khan's statement ~~of~~ on Sept. 5, 1931:

"The oppression and repression to which the Muslims of Srinagar have been subjected, has inflicted imperishable wounds on our hearts; actually these are the wounds that will prove a guiding force in our struggle for emancipation. The delicate plant that the movement is has been fed by the martyrs of Srinagar with their blood and the Muslims of the State will follow in their foot-steps and feed it with theirs. This incident in Srinagar is the beginning of our freedom movement."

(Source : Saraf, Mohammed yusuf : Kashmiris Fight For Freedom vol. I ~~op. cit pp 380-81~~ op. cit. PP 380-381)

(7)

(7)

Allama Iqbal's reaction, when he learnt of the killings in Srinagar and subsequent arrest of Muslim leaders including Sheikh Abdullah in 1931

"One thing which clearly stands out about Sheikh Mohammad Abdullah is that he has completely removed from the Muslims of Kashmir the fear of going to jails or of facing the Dogra army. But with your limited resources and, comparatively, the unlimited resources at the disposal of the Dogra Government, you cannot continue like this for a long time; therefore, the only way out is to launch a movement in the Punjab and send volunteers from here because the Maharaja's resources would not be sufficient to withstand such a movement for a long time; he will have to seek the assistance of the British Government and when this assistance is sought and naturally, made available, that would be the appropriate moment for us to demand that if they wanted to intervene in the dispute on the side of the Maharaja, then they must equally ensure that important grievances of the State Muslims were also redressed."[1]

(Source: Saraf, Mohammad Yusuf: Kashmiris Fight For Freedom vol. I op. cit p. 383)

⑧ p-14

The terms of the Agreement between Govt. and Muslim representatives after 1931 ~~ss~~ Riots: —

As per terms of the agreement, the Government undertook that:—

1. As soon as the agitation was called off, all emergency regulations and orders in force since two months, would be suspended,

2. The High Court would be requested to release on bail all those who stood accused of rioting as well as those who were already on trial.

3. The hearing in these cases shall remain suspended until the publication of the Dalal Riot Inquiry Commission report.

4. All such government servants who had been dismissed or suspended or degraded on charges of complicity in the Movement, shall be restored to their posts provided they gave an assurance that in future, they will not take part in the agitation.[1]

The Muslim representatives, on their part, undertook that:

1. The agitation was to be suspended which was explained to mean that no speeches aimed at creating hatred against the Government or the Maharaja or any other community, would be made.

2. It was to be announced in the Jamia Masjid and other mosques that Muslim nationals of the State did not take inspiration from any outside elements and that while being loyal to the Maharaja, they hoped that he would sympathetically consider their grievances.

3. They would appeal to their sympathisers (outside the State) that so long as the Government did not take a decision on the memorandum that they were about to present, no steps likely to affect the political climate, may kindly be taken.

4. The normal laws of the country would not be affected by the agreement.[2]

Source: Saraf, Mohammad Yusuf
Kashmiris' Fight For Freedom
Vol. I op. at pp. 398–399

15 August 19

Translation of the representation made by the Deputation of Muslim Representatives of Jammu and Kashmir on 15th August 1931.

—— :0: ——

YOUR HIGHNESS,

The loyal Muslim subjects of Your Highness have been in hopes for a long time that they would be granted an opportunity of presenting to Your Highness in person their humble representation. As the audience granted to-day lends support to the belief that Your Highness will be pleased personally to consider grievances of Your loyal subjects, they beg to submit in all respect and humility through their representatives of Jammu and Kashmir as follows:—

1. The declaration made by Your Highness on the occasion of the Raj Tilak that Your Highness' religion was justice has ever remained the centre of hopes for Your Highness' Muslim subjects. They believed that all the representations which were submitted to Your Highness before Your Highness' accession as well as those which were made after the accession to the Ministers of Your Highness' Government for submission to Your Highness must have come to Your Highness' notice. But the facts show that these representations were not presented to Your Highness in their true light. The efforts of the Muslims to wait in a deputation of their leading representatives upon Your Highness in this connection did not meet with success. In these circumstances Your Highness' subjects elected their representatives from Jammu and Kashmir in compliance with Your Highness' wishes who were promised the privilege of direct access for making the representation. The representatives of Jammu were instructed by Mr. Wakefield at Jammu to join the representatives of Kashmir at Srinagar for this purpose.

2. While the representatives were yet engaged in preparing the representation the interested party which had so far rendered ineffectual the prayers of the Muslim subjects by its preponderating influence began to create difficulties when it found that Your Highness had agreed to hear in person the Muslim representatives and in order to maintain its undue advantage gave the whole affair a communal colouring. The writings of the hindu papers of the Punjab, the posters of the Hindu Yuvak Sabha and the speeches made in the meetings of the non-Muslims at Jammu and Srinagar are sufficient proofs of this assertion. The allegations made to effect that Muslims intended to ask for in their representation permission to slaughter cows or to insist on destruction of temples or to seek to establish their own rule were clearly made with the object of creating suspicion in Your Highness' mind against your always faithful subjects and to poison Your Highness' mind about them. The most inexplicable thing in this connection is that authorities did not take any action against these papers or to check the flow of these mischievous allegations although the Muslims clearly contradicted the charges to the best of their ability. This unholy propaganda in the first place prejudiced Your Highness' mind and secondly it stirred strong feelings of hatred among the un-informed Hindu public. The ultimate object of these efforts was to prevent the direct access of the Muslim subjects to Your Highness and this object was thus successfully achieved. Under the influence of this selfish propaganda the authorities sent for the Muslim representatives and told them that they would be given an opportunity to make their representations after the suspension of the communal propaganda although the

Muslim subjects had not raised any communal issue and the whole responsibility for the communal tension rested on the opposite party as was emphatically explained to the authorities. The organising of a procession without reasonable cause of a young Pandit girl who had died and to curse the Muslims in that procession is a conclusive evidence of the fact that the interested party was deliberately engaged in creating unfavourable atmosphere for the Muslims.

5. In particular the information which was given to Your Highness' loyal Muslim subjects by Raja Sir Pandit Hari Kishan Kaul, is most alarming and dangerous. The very Muslim subjects who by nature are and have ever been loyal and faithful to Your Highness were charged with entertaining feelings of disloyalty towards Your Highness and the Heir-apparent. The Muslim subjects beg to submit most emphatically and respectfully in all sincerety that a despicable charge of this nature is not only opposed to their tradition of loyalty but is also a part of the unholy conspiracy against the Muslim subjects. A few facts evidencing the feelings of loyalty are detailed below:—

a. When a few selfish persons conspired in connection with the question of Gaddi Nishini during the time of the late lamented Sir Raja Amarsingh Sahib, it was the Muslim subjects who endeavoured to have the title of the rightful claimant recognised. This successful endeavour is a memorable event among the traditions of the Muslim loyalty towards Your Highness and the Ruling Family.

b. During the last illness of the late lamented Raja Sir Amarsingh Sahib, it was not only the Muslims of the State, but all Muslims in general who incurred heavy expenditure in arranging sincere prayers in their places of worship and distributing charity and thereby proved their loyalty.

c. The feelings of sincerety and loyalty shown by Muslims when Your Highness sustained an injury over the snow-covered hill at Gulmarg till complete recovery were too conspicuous to be ignored.

d. Your Highness is fully aware of the universal rejoicings among the Muslims on the occasion of Your Highness' Raj Tilak.

e. The unbounded joy expressed by even the poorest among the Muslim subjects beyond their meagre means on the auspicious birth of Maharaj-Kumarji when Your Highness was in France is too recent to require reminding.

f. The part played by the Muslim subjects in the reception accorded to Your Highness on return from France is un-precedented in the history of the State. The impression in Your Highness' mind must yet be fresh of the manner in which the Muslims gave expression continuously for several days to their unbounded joy and enthusiasm on this occasion.

In face, therefore, even of these few facts the attempt to create unmerited suspicions regarding Muslim subjects is but a minor indication of the organised and detestable conspiracy to ruin them. Your Highness' Muslim subjects beg most respectfully to request that in case any enemy of the State has created any such suspicion in Your Highness' mind it may graciously be removed. We on behalf of the Muslim subjects of the State beg most emphatically to assure Your Highness that we are actuated now as ever by the same feelings of love, sincerety, loyalty, and faithfulness. Moreover, the co-operation and obedience which the Muslim subjects have always shown to Your Highness' Government, inspite of certain grievances will not be found in any other community.

In these circumstances when the conditions were as have been described above it is for Your Highness to judge how the oppressed Muslim subjects of Your Highness could have represented their grievances as it was not advisable to submit them in this atmosphere, nor was there any hope of their redress. Secondly when at present Your Highness' Muslim subjects are being subjected to extreme oppression by the authorities and are in panic on account of their helplessness it will be out of place and inopportune to submit any representations in the existing conditions of insecurity.

4. Our sole object in view at present is briefly to invite Your Highness' attention to the existing conditions. The interested party which wields preponderating influence in the administration have kept back the true facts by concocting false reports in order to discredit the Muslims from the very outset and have attempted to implicate falsely the innocent Muslims by presenting in false colours even the best writing which praised Your Highness' magnanimity and love of justice.

5. The causes of the present troubles and the tale of oppression to which the Muslim subjects have been and are being subjected have a long history behind them and it would be out of place to mention them here. Suffice it to say that the non-Muslim community was actuated by definite purpose to intefere with the religious affairs of the Muslim subjects and the ball was set rolling by the officers of the Government, for example the prohibition of Khutba-i-Id-ul-Zuha, the insult to the holy Quran, the dismantling of mosques, the stoppage of Azan were heart-rending events of a nature which grievously wounded the religious feelings and prestige of the peaceful Muslim subjects and they were so impressed by the short-sightedness of the authorities that they considered Islam to be in danger. And as the events show when the Muslims ask for justice in these matters the accused were discharged inspite of the fact that sufficient evidence was produced.

6. Qadeer is a stranger whose only fault was that he expressed detestation against the person who had insulted the holy Quran. A criminal case was started against Qadeer which took a religious aspect. We assert on the strength of our enquiry and knowledge and belief that just as the public used to go to hear the case they went to the Jail also to hear it. They never made any attack and even came out of the compound. Arrests began to be made without cause from among a party which was waiting in

the garden to say prayers which resulted in excitement and thereupon fire was opened without any enquiry or warning and many helpless men and innocent children were mercilessly shot dead or wounded. The officers present on the spot did not even care to provide any medical aid for the wounded or to express any sympathy for those who were killed or injured. To shoot poor unarmed people and then to render no aid, to allow the injured to die in anguish with the consciousness that even the least human sympathy was not shown to them in their last moment of life, is a spectacle which must melt the hardest heart. The details are so very gruesome as to make us fear that they are bound to prove disgusting to Your Highness. We therefore pass over this indescribable incident and mention the subsequent events only in a general way. Some men of the Police Training School who were coming towards the city in a lorry wounded and killed peaceful Mohammedan passers-by without any justification. In order to maintain the public peace and to prevent public excitement from spreading as the result of taking the few dead bodies which could be found to different localities, the Muslims collected the bodies in the Juma Mosque inspite of such oppressive treatment. When one or two persons who had received grevious injuries were being carried to the dispensary of Dr. Abdul Wahid they were subjected to gross insults in order to provoke breach of peace and charge with lathies with the result that they died. And then fast propaganda was started to implicate the Muslims.

7. On that day when unfortunately at such a critical and dangerous occasion when no aid was forthcoming from the Government the carrying of one or two of the wounded into the city proved a source of excitement and disturbance among the mischievous and conspiring non-Muslims. In short the martyrs were subjected to such insults that it is possible that some irresponsible persons might have been provoked into committing excesses upon shop keepers. After this, stories were fabricated and exaggerated accounts of loot propagated. At the same time Hindu Military pickets were posted in the city. This Military force was already encouraged against the Muslims on account of the poisonous propaganda carried on a few weeks before this occurrance and which wrought havoc on the Muslims, at the instigation of Hindus. The passers-by were killed or beaten. Peaceful Mohammedan citizens were dragged out of their houses and maltreated before being arrested. Muslim houses were sacked, no atrocity was spared and even women were outraged. Little children were not only beaten but also killed. The statement of a non-Muslim lady who was an eye-witness throws light on these facts. Poor Muslims, men and women, were ruined, wherever they could be got hold of and some were strangled. The corpses of the martyrs are still being recovered from the river. Things at Maharajganj and Bohrikadal reached such a pass that the Muslim inhabitants had to remain confined without meals in their houses for three days. The havoc wrought from Haba Kadal to Safa Kadal is indescribable.

8. The Hindus entertained the soldiers in every way and influenced them by a variety of dishes.

9. At Maharajganj, Dumba Kadal, Nawa Bazar, Batyar and

P-19

Vicharnag, the Military force and the Hindus killed many innocent Muslims without any justification.

10. In this indiscriminate orgy, law and procedure were trampled under foot, nor did the officers even pay any heed to justice or law and under the influence of communal feelings they became vindictive and tyrannical. The result was the truth was never revealed. The Muslims felt compelled to believe that they were being ruined as a result of an organized conspiracy. Some past events like the Congress procession clearly show that the authorities took no action against the unlawful Congress processions. Inspite of such glaring precedents, Mohammedans were given unduly harsh treatment, otherwise the Muslims never could expect from a merciful Ruler of Your Highness' personality to issue such orders.

11. At the dead of night some representatives of the community were arrested. They were not allowed to join the funeral of their martyred brethren. This has lacerated the heart of the community.

12. Your Highness can form an idea of the sincerety and loyalty of the Muslim subjects from the fact that inspite of this massacre, absence of medical aid, slaughter of peaceful Muslim passers-by at the hands of the Hindu Military force, the invasion of homes, the pillage, the outrages on women, the insult of Muslim men, the beating, the cruel murder of children, the Muslim subjects had such trust and confidence in Your Highness that their representatives including the Mir Waiz of Kashmir presented themselves to place the facts before Your Highness and to seek justice. But the conspiracy had succeeded so far that Your Highness declined to give a hearing in person and did not receive the representation.

13. On this doomsday it was impossible for Muslim public to exercise restraint and abstain from taking out the funeral procession of the martyrs. But it was simply in obedience to Your Highness' commands that the Muslims steeled their hearts and buried the martyrs in silence.

14. Little children have also been confined in prison along with a large number of innocent persons without sufficient cause. The maltreatment to which they were and are being subjected is very shameful and their release would be in accordance with justice.

15. The arrangements made in two important Wards out of the four into which the city was divided under Your Highness' commands are so unsatisfactory that their present condition is even worse than the previous one. The experienced and senior Hindu Officers are taking full advantage of the inexperience and weakness of the junior Muslim Officers. The very object with which this arrangement was set up is being defeated and great loss has been caused and is being caused to the Muslims. True to their traditions these Pandits have thus reduced the Muslims to utter helplessness from whom petitions even were not received. Although information was furnished as to where the concealed and stolen property could be found but non-Muslims were not even touched and Muslim applicants were refused hearing and turned out.

16. When on the insistent requests of the Muslims, a Muslim officer searched one or two non-Muslim shop-keepers' houses, considerable property was recovered. Besides in similar other searches the cloaks etc. of Muslim women were found. Enquiries made go to show that the designs of interested non-Muslims who concealed their own property in order to ruin the Muslims and to give colour to the story of the loot would have been exposed, if searches had taken place. But suddenly the Chief Minister issued orders under which these searches were stopped and non-Muslims screened.

17. Many persons are missing and it is not known about them whether they are in Jail or they were killed because inspite of repeated requests the list of prisoners has not yet been supplied.

18. Inspite of the fact that the Muslim subjects are said to have started this trouble, all temples are safe although mosques and Muslim places of worship were desecrated and dismantled while the local officers looked on unconcerned. The wonder of it is that wherever the Hindu population is very small as compared with Muslim population there have been no complaints from the Hindus. On the other hand the complaints are general in those parts of city where the Hindu population is larger. This makes it clear how far the story of the non-Muslims can be true. These complaints were brought to the notice of the authorities from time to time and the matter was also represented to Raja Hari Kishan Kaul but in vain.

19. All officers who are investigating the cases arising out of the Jail incident are non-Muslims and the responsible officers of the Jail are also Hindus. The result has been that the large number of prisoners in the Jail have neither been *challaned* so far nor released on bail even after such a delay. It is learnt from reliable sources that the prisoners are put to great hardships to induce them to give false evidence or to compel them to make false confessions. Similarly some Jail officials were treated harshly to induce them to give false evidence in connection with the Jail incidents. On their refusal to do so they were degraded and transferred and also dismissed. Moreover, those living near the Jail are also being induced by fear or favour to give false evidence. Consequently the truth will not be revealed before the Enquiry Committee. These methods are also a violation of the notification whereby Government servants were promised protection from molestation on account of giving true evidence.

20. The conspiracy of the non-Mohammedans is not confined to Srinagar as even in the Mufassils bigoted non-Muslim officers have adopted similar methods with the object of disturbing the peace and then to implicate the peaceful Muslims. They have succeeded because most of the officials in the Mufassils are non-Muslims and the oppressed Muslim subjects are dumb. For example a house in the village of Kbilana in the Uri Tehsil accidently caught fire and the owner was burnt with his family. The brother of the deceased clearly admits in his statement that the fire was accidental and Police also arrived at the same conclusion and yet attempts are still being made to hold the Muslims to be responsible for this affair. The

P-21

poisonous effect of this nefarious propaganda is causing great excitement among the Muslims throughout the State. In this connection the suspension without cause of Muslim teachers and the transfer and removal of innocent Muslim officials are also relevant. When the State of affairs is such that the Muslim subjects inspite of being the aggrieved party have been held to be the aggressors and the true facts have been kept in the dark it was hoped that enquiries would be made and correct facts brought to Your Highness' notice through an independent Commission. But, unfortunately for the Mohammedans, in the first instance, permission was not given for the inclusion of two able Muslim lawyers from outside the State and the Muslim subjects had therefore to express want of confidence in the Commission. Subsequently when certain conditions for their participation were put forward these were also ignored and the Enquiry Committee was appointed. But even before this Official Enquiry Committee could submit any report, a Government communique was isssued which implied that the Muslims were responsible for all the disturbances. As the version which appeared in this communique was opposed to facts the Muslims felt convinced that *ex-parte* judgment had been given to consummate their ruin. This communique had and is having its effect on the Enquiry Committee as well as on the cases before the courts and it is apprehended that truth is never likely to come out. Besides the *Milap* has also testified to effect that the communique is the summary of the report of the Enquiry Committee. On this ground also the Muslims have lost all confidence in Raja Hari Kishan Kaul Sahib whose repressive policy and partial attitude are a matter of great anxiety. The recruitment of the Sikhs in the Police specially on this occasion is viewed with great concern by the Muslims. It will not be out of place to submit to Your Highness that Raja Hari Kishan Kaul was really nominated by Hindu communalists of the Punjab for supporting the Hindu cause. But in the meantime he was appointed the Chief Minister of the State, which strengthened his hands against the Muslims and unfortunately for the Muslims he obtained this unique and golden opportunity of fulfilling the wishes of his co-religionists and satisfying his own desire from the effects of which the Muslim subjects cannot consider themselves safe and secure. We, therefore, venture to invite Your Highness' special attention to the fact that it is very dangerous to permit the continuance of the nefarious propaganda and provocating articles in the Hindu Press which give publicity to unfounded charges to effect that Muslims are forcibly converting Hindus and removing their sacred tufts particularly when the entry of Muslim papers in the State is prohibited. In these unfortunate circumstances and surcharged situation it would have been out of place and inappropriate for the Muslim representatives to have submitted their representation. It is, therefore, respectfully prayed that Your Highness may be pleased to take these requests into consideration in the spirit of justice and mercy and issue orders for creating proper atmosphere for the submission of Muslim representation in the spirit of sincere loyalty and with a reasonable chance of the grievances being redressed in order that Your Highness' Muslim subjects may pass their days in peace and security under your gracious and benevolent rule and be bound for ever to Your Highness and the Royal Family in true loyalty and devotion to the glory and prosperity of Your Highness and the Royal Family.

(Sd.) GHULAM AHMED ASHAI.
" GAUHAR RAHMAN.
" YAQUB ALI.
" MOHAMMAD YUSAF, MIRWAIZ.
" SAAD-UD-DIN SHAWL.
" AHMEDULLAH, MIRWAIZ, HAMDANI.
" GHULAM ABAS.
" S. M. ABDULLAH.
" SHAHAB-UD-DIN.
" SAYED HASSAN SHAH, JALALI.

Source: Representation made by the Deputation of Muslims Representatives of J&K on 15th August 1931, Srinagar (Govt. publication)

(10)

p-23

Reply to the representation presented to His Highness on the 15th August 1931, by a deputation of ten persons representing the Muslims of the cities of Jammu and Srinagar.

——:-0-:——

His Highness is aware that his Muslim subjects are loyal and devoted to his Person and Throne and needs no assurance on this subject; all the same he much appreciates the expression of loyalty which is so emphatically made. His Highness feels deeply grieved at the unfortunate and sad incidents of 13th July last and for the loss of life and property which resulted therefrom and greatly sympathises with the families of those who lost their lives and with those who suffered from hurts, wanton pillage and other causes.

References have been made to several events connected with the occurrences of 13th July and subsequent days. In view of the fact that these events form the subject of enquiry by the Riots Enquiry Committee and by Courts of Law, His Highness does not desire, at this stage, to express any opinion relating to them. His Highness' sole aim in relation to these matters is the ascertainment of truth and this solemn duty has been entrusted by him to the able and impartial Judges of his High Court, headed by a Chief Justice of Sir Barjor Dalal's standing and reputation, which constitutes the Committee of Enquiry. His Highness cannot help feeling that a mistake was made when the two non-official Mohemmadan Members were prevented by certain misguided persons from serving on the Commission which on account of their withdrawal had to be converted into an Official Committee of Enquiry. He trusts that the Muslim community will not now commit another mistake but will put forward before the Committee of Enquiry all the evidence which they may have in support of the allegations made in the representation, which His Highness has no doubt will be duly weighed and considered by that body. His Highness wishes to point out that besides promptly appointing a Commission of Enquiry as aforesaid, he did all he could to anticipate the wishes of his Muslim subjects by firstly constituting Sessions Courts, each presided over by two Sessions Judges, one Mohemmadan and one Hindu, to try persons accused of rioting, etc., and secondly by the nomination of Mohemmadan and Hindu Police Officers and Magistrates to make joint investigations. The Police investigation relating to the Jail riot though conducted by a Hindu Police Officer has been under the direct supervision of the Deputy Inspector General of Police, Sheikh Aziz Din. The Deputy Inspector General of Police has also been supervising all the enquiries which were made jointly by the officers primarily deputed for the purpose.

The 'Ailan' to which reference has been made in the representation is evidently the communique of the 28th July 1931, which was issued on the basis of facts reported by the Executive Officers and the Police. The petitioners, fear that the communique is calculated to influence the opinion of the Commission or the decision of Courts, is unfounded. It cannot affect the Courts of Law or the Committee of Enquiry any more than a similar statement issued by the Resident in Kashmir a week earlier. His Highness and his Government have an entirely open mind as regards the true facts that may be ascertained by the

Committee of Enquiry or by the Law Courts. His Highness views all his subjects alike and expects his Courts and Officers to deal with cases irrespective of caste or creed of the parties.

It is obvious that after a riot or a disturbance arrests have to be made from amongst those who are found in the crowd or against whom *prima facie* evidence becomes available. In this manner out of many thousands of persons forming the crowd only 336 were arrested. Two Officers, one Hindu and one Mohemmadan, were ordered by His Highness to scrutinize the evidence against the prisoners and those against whom there was no substantial evidence were discharged; others were released on bail and recently some more men have been similarly released under instructions of the Prime Minister. Only 239 persons were put in Jail, but at present there are only 69 persons in custody of whom 57 have been committed to Courts and 12 have been ordered to be released on bail which they have not been able to furnish so far No children of tender age are reported to be in the Jail. Three boys were arrested but they have all been released on bail. The relatives of prisoners could have ascertained at any time from the Srinagar Jail whether the persons whose whereabouts they wanted to find out were there or not. The Superintendent of Jail is, however, being directed to issue a complete list of the persons who are now in Jail in connection with the incidents of 13th July.

The petitioners complain of differential treatment of vernacular newspapers. It is stated that while muslim newspapers are severely dealt with, hindu newspapers which are alleged to contain equally objectionable matter remain un-noticed. This allegation is not based on facts. In proscribing a newspaper the consideration is, as is the case in other Indian States, whether a mischievous propaganda is being carried on against the Ruler or his Government or against the maintenance of Law and Order. Action has been taken on this principle in the past also against hindu papers, such as the 'Ranbir' of Jammu and the 'Riyasat' of Delhi.

The solicitude of His Highness for the general uplift and advance of his Muslim subject is evidenced by what he has already done during the short period of five to six years since the commencement of his reign, for instance:—

1. Enactment of the Agriculturists' Relief Regulation.
2. Extension of the Land Alienation Regulation to the whole of Jammu Province as a permanent measure.
3. Extension in the term of Land Settlement from 20 to 40 years.
4. Write-of of "Tasfiya Baqaya" and Revenue arrears.
5. Expansion and development of the co-operative movement including Co-operative Banks.
6. Introduction of Compulsory Primary Education and expansion of Education in all Branches.
7. Increase in the amount of special Scholarships for Muslims.
8. Holding of Industrial Exhibitions.
9. Increase in the price paid to Zamindars for silk cocoons.
10. Extension of medical relief to outlying places.

p. 25

11. Prohibition of 'Begar'.

All these measures were introduced wholly or mostly for the benefit of His Highness' Muslim subjects.

The account of the incident of the funeral procession of a Kashmiri Pandit girl appears to be a distorted one. According to official reports received, no cursing of Muslims appears to have been indulged in. It should be noted that this was the first procession which was forcibly dispersed by a Lathi charge because the processionists persisted in taking a route other than the one which they had been ordered to follow.

The representation contains several mis-statements which it is unnecessary to deal with in detail but a few of them deserve notice. It is not in accordance with the report made by Mr. Wakefield, Political Minister, that the representatives of Jammu were asked to put in a joint representation with the representatives of the Muslims of Kashmir. The Muslim representatives of Jammu who were asked by Mr. Wakefield to make their representation lost time in trying to associate with them the Muslims of Srinagar, and it was again on the strong advice of Mr. Wakefield, Political Minister, in view of the situation caused by the communal tension which had arisen, that His Highness, after full discussion in Council, arrived at the decision to postpone the presentation of the deputation.

The decision arrived at in the *Tauhin-i-Quran* case was based on Mr. Wakefield, Political Minister's enquiry in association with two Mohammedan representatives and the facts are clearly detailed in the communique issued in that connection.

In the *Khutba* case, the agitators would not allow the executive to deal with the matter but took it to Court. In case of dis-satisfaction with the Judgment, it was open to them to appeal to get the decision set aside which they have not done.

Any attempts at desecration of sacred places or places of worship of any creed, which His Highness considers severely reprehensible, are matters to be dealt with by Courts of Law.

It is not a fact that any order was issued by the Prime Minister to stop any searches. The allegation is, therefore, clearly based on some mis-understanding.

The representation is full of expression of communal tension. In this connection His Highness wishes to emphasise that suspicion begets suspicion and that the wisest course for people to adopt is to shake off outside evil communal influence and re-establish amicable relations so that all communities may live peacefully together as common and loyal subjects to His Highness who considers it his duty to hold the balance even between them. Out of the said indulgence in suspicions, His Highness considers arise the baseless charges levelled against the Prime Minister. 'The heart-rending information' which is alleged to have been imparted by him is not specified, but if, in view of the vile slogans used in the women's and children's processions and reports of certain mischievous speeches before him, the Prime Minister asked the representatives whether they entertained views subversive of Goverement expressed therein or had come to see him as loyal subjects of His Highness, the Prime Minister only discharged his duty to His Highness and to the State. The allegation that he had been nominated by some Hindu organisations of the Punjab to assist the Hindus is utterly false and His Highness wishes to make it known that he has the fullest confidence in the impartiality and uprightness of his Prime Minister, Raja Hari Kishan Kaul.

His Highness cannot too strongly deprecate the tendency of some misguided and irresponsible persons to create agitation amongst his Muslim subjects which is calculated to tamper with their loyalty, and wishes to emphasise the necessity of his Government maintaining Law and Order and dealing properly with persons who transgress the Law.

His Highness' Government are doing all in their power to create a calm and peaceful atmosphere, but it seems necessary to point out that in order to achieve this object, the active co-operation of true leaders of His Highness' Muslim subjects is no less necessary and His Highness trusts that they will realise their responsibility to come forward and assist in this matter.

His Highness is ever ready to receive legitimate requests and representations from all classes and communities of his people in a constitutional manner and should his Muslim subjects wish to submit such a request or representation, it is hardly necessary to say that His Highness will receive it and give it due consideration.

By Command of His Highness

HARI KISHAN KAUL,
RAJA, C. S. I., C. I. E.,
PRIME MINISTER,
His Highness' Government,
Jammu and Kashmir

SRINAGAR
23rd August 1931.

Source. Reply to the Representation presented to His Highness on the 15th August 1931. by a deputation of Ten persons representing the Muslims of the cities of Jammu & Srinagar. Srinagar. (Govt. publication)

14th oct. 1931

(Extract)

MEMORIAL

OF

The Jammu and Kashmir Muslims presented to
His Highness Raj Rajeshwar, Maharajadhiraj,
Shri Maharaja Sir Harisingh Ji Bahadur,
Inder Mahindar, Sipar-i-Saltanat-i-Inglishia,
G. C. I. E., K. C. V. O., A. D. C.,
Maharaja of Jammu and Kashmir,
Srinagar.

In the name of God the most merciful and the Beneficient.

To

HIS HIGHNESS THE MAHARAJA BAHADUR
OF JAMMU AND KASHMIR STATE,
Srinagar.

MAY IT PLEASE YOUR HIGHNESS,

While presenting this Memorial to Your Highness for your kind consideration we, the representatives of Jammu and Kashmir Muslims, beg respectfully to offer our sincere thanks to Your Highness for your very graciously granting us an opportunity of laying our grievances and needs before you and for granting amnesty to most of the political prisoners and under trial persons on the auspicious occasion of Your Highness' Birthday.

We assure Your Highness that the reforms and improvements which we are going to suggest do not owe their origin to any artificial agitation. In fact a long series of unbearable hardships and disabilities under which we have been labouring have forced us to the conclusion that without the reforms and improvements contained in this humble Memorial the lives of the Muslim subjects of Your Highness will continue to be extremely miserable.

We acknowledge with gratitude that Your Highness and Your Highness' ancestors have enacted some good laws for the State and have effected certain praiseworthy improvements and we are convinced that Your Highness and Your Highness' ancestors have been inspired by sincere love and solicitude for the State subjects. But, as Your Highness would concede, no single individual can, without the help and cooperation of others look after the welfare of a vast territory like Jammu and Kashmir. Neither can good laws alone, without the help of sympathetic officials, bring about any good results. We therefore beg respectfully to state that inspite of certain good laws Your Highness' subjects cannot enjoy peace and prosperity unless they are afforded suitable opportunity to influence and criticise the work of the executive responsible for the observance of the said laws. The truth rather is that even for the enactment of good laws, the help and cooperation of the people are essential, for without knowing from the people their real needs and requirements no truly good laws can be made.

After these introductory remarks we beg to submit that, excepting the Royal Person of Your Highness the Muslim subjects of the State have lost all confidence in the officials of the State to the extent that they cannot even wait till such time as may be required for the framing of a reformed constitution and its subsequent introduction. The delay involved would, we are afraid, be looked upon not as something essential but as a ruse for putting off the needs of Your Highness' Muslim subjects.

Your Highness' Muslim subjects, therefore, humbly pray that in order to allay the aforesaid misgivings and to convince them that the State Executive is really prepared to help in the fulfilment of the good intentions of Your Highness a declaration of policy indicating a change of heart and covering the following points may kindly be immediately made. This declaration should be to the effect that:—

1. All those officials and officers of the State who have immediately before or during the disturbances offended the religious feelings of the Muslims or in any way interfered with their religious practice be properly punished after due enquiry.

2. All mosques, graveyards and other sacred places together with their original attached property in the possession of the State or transferred by the State to a third party be restored to the Muslims.

3. All those persons who have been dismissed suspended, degraded or otherwise punished in any respect in connection with the present political movement be reinstated or restored to their posts, position or grade as the case may be: similarly their relations should not be made to suffer in any way on their account.

4. Suitable compensation be granted to the relatives of those who were killed during the disturbances and also to those who were disabled therein.

5. The cases of such political offenders as have been convicted for some alleged act of violence or its abetment and have failed to appeal, be gone into by Your Highness in order to find out whether in the present time of political advancement their offences really amount to violence. If Your Highness does not find them guilty of violence they should be released. It is further prayed that in considering all such cases Your Highness may also be graciously pleased to exercise Your Royal Prerogative of mercy.

6. An independent Commission should be appointed to enquire into the conduct of the State officials, the Police and Military, towards the people during the days of the political disturbances with a view to finding out whether their behaviour was in conformity with the Law as popularly understood. If any of the officials is found guilty in this respect he should be properly dealt with irrespective of his position or rank.

7. Your Highness' subjects most respectfully submit that no permanent peace is possible unless the same law be enforced in the State for freedom of speech and for the establishment of Anjumans and Associations as obtains in British India. As matters stand we are deprived of all the ways and means of intellectual and economic progress.

P-29

Our wise men are unable to benefit the people by their wisdom and our masses cannot improve their condition without organisation.

8. As a proof of the fact that the Muslim subjects of Your Highness will in future be treated fairly a declaration may kindly be made immediately to the effect that there would be perfect religious freedom in the State and that conversion would entail no confiscation of property in favour of relatives as is the practice at present. Your Highness, who, we believe, fully recognises the value of religious liberty and tolerance, will agree that there is no justification for a person to be deprived of his property on his conversion to another religion: for it amounts to religious interference, and in the presence of such practice Your Highness' Muslim subjects cannot have any sense of security in the matter of their being treated fairly.

9. Lastly we beg leave to state that Your Highness' subjects can enjoy real peace only when they have been conceded their right to an effective share in the legislation of the State and of criticising the administration. Any legislation to secure this end would, however, require time. Therefore Your Highness' Muslim subjects and as far as we know a section of Your Highness' Hindu and Sikh subjects as well, think it necessary that at least an immediate assurance may be given to them to the effect that in future they would be treated in accordance with some definite constitution, and a declaration may be immediately made that Your Highness' Government will be based on constitutional principles.

CONSTITUTION.

1. *Fundamental rights.*

Your Highness, after referring to the points which need immediate attention and starting with the presumption that Your Highness will be pleased to concede them, we beg leave to present an outline of the constitution which will, in our opinion, satisfy the people and serve as a basis for future development.

In our opinion it is vitally essential that the eternal and unchanging elementary rights of humanity, of which Your Highness' subjects are almost deprived, in all contrast to the outside world, should be fully and properly secured for them. These rights are the following :—

1. Perfect religious freedom in respect of religious observance, practice, preaching, conversion and the rights connected therewith as obtains in British India.

2. Perfect freedom of assemblage and of setting up of Anjumans as obtains in British India.

3. Perfect freedom of speech as obtains in British India.

4. Freedom of the Press with only such necessary restrictions as obtain in British India. In this connection we may add as there exists no Press in the State at the present time and we cannot at once avail ourselves of the freedom asked for, the State authority should have no objection to the circulation of Muslim papers from outside within the State.

P-30

We see no reason why against all usage of civilised countries the State should object to and stop the circulation of such papers as criticise, in public interest and with due deference to the person of Your Highness, the attitude and behaviour of some of its officials or point out defects in the existing laws and regulations of the State.

5. There should be perfect equality of rights and equality of treatment for all State subjects in all respects.

✓2. CONSTITUTION OF THE EXECUTIVE AND THE LEGISLATURE.

(a) *The Executive*

It should be laid down that :—

1. The policy of the State shall henceforth be the increasing association of the State subjects in the administration of the State on the lines of a progressive representative form of Government.

2. The Ministers shall of course be appointed by the Ruling Chief but Muslims should be represented in the Ministry in proportion to their numerical strength. If capable Muslims from among the Muslim subjects of the State are not available to fill the posts, recruitment should be made from the Muslims outside the State until the time when the Muslims of Kashmir become sufficiently advanced to be appointed as Ministers as is the practice for importation of non-Muslims at present.

3. No Minister shall in future remain in Office for more than 5 years.

4. If 70 per cent of the Members of the Legislature (about which recommendations follow) pass a resolution to the effect that they have no confidence in a certain Minister that Minister shall forthwith be relieved of his duties.

5. The Ministers shall be responsible to the Ruler but if the representatives of the country should demand from them any information concerning their respective departments, they shall be bound to furnish the required information to the Legislature except with regard to matters connected with the person of the Ruler, his heir-apparent or such foreign affairs as the Ruler may think wise not to disclose.

6. Though the Ministers would not be responsible to the Lagislature, yet they should be instructed by the Maharaja Bahadur in the letter of appointment to respect the opinion of the majority and to act in conformity with it so far as possible.

(b) *The Legislature.*

It should be laid down that :—

1. There shall be a Legislative Assembly of Jammu and Kashmir to keep His Highness the Maharaja Bahadur and his executive informed of public opinion and to frame the necessary laws.

2. After such an assembly has been constituted, no new law which

p-31

has not been passed by the said Assembly and no old law which has been abrogated by it should be enforced in the country, excepting such temporary ordinances as the Maharaja Bahadur may enforce on occasion of violent disturbances or gave emergencies; but such ordinances shall not remain in force for more than six months.

3. Every citizen of the State should be eligible for election to the Assembly, irrespective of his creed or nationality.

4. At least seventy percent of the members of the Assembly shall be elected and 30 percent shall be nominated by His Highness the Maharaja Bahadur. Of the 30 nominated members 10 should be Rajputs, being an important minority and representing the Ruling dynasty; the rest of the nominated members should be according to the population proportion of the various communities with the proviso that of the total 30 nominated members one half should be non-officials.

5. Rules shall be framed in a way that the elected representatives of the different religions are returned in proportion to the number of their respective adherents.

6. As regards *franchise*, it should be on as wide a basis as practicable and the method of election to the assembly should be based on the direct system.

7. The Assembly shall be the sole authority for legislation. It shall also have the power to criticise the work of the various departments, to pass a vote of confidence or no confidence in the Ministers, to demand from them such information as may be necessary for a thorough knowledge of the working of the departments and to discuss the annual Budget. No new tax shall be imposed, nor any of the old taxes be enhanced without first obtaining the sanction of the Assembly. In special circumstances, however, the Maharaja Bahadur shall have the power to do so by a special *Firman*, if he finds the work of administration suffering. The Maharaja Bahadur shall also have the power of veto in legislation.

8. No legal action shall lie against a member of the Assembly for expressing any opinion whatever on the floor of the House; except with regard to the person of the Ruler or his heir-apparent.

9. The President of the Assembly shall be nominated by the Maharaja Bahadur for the first term. Afterwards the Legislature shall have the power to elect its own President.

10. A fixed percentage of the total income of the State should be set apart as Privy Purse for the Maharaja Bahadur and his family and excepting this sum all items of the State Budget should be open to criticism in the Assembly.

LOCAL SELF GOVERNMENT.

Municipalities as constituted at present are no good and are rather responsible for making this useful institution unpopular with the people. We therefore request that Municipal Committees be established in all the towns of the State on the following lines :—.

All Municipal work should be entrusted to the town committees in which elected members should form the majority. The President also should be from among the non-official elected members. The Wazir-i-Wazarat may be empowered to nominate upto 10 percent of the members and where the total number is less than 10 there should be one nominated member provided the elected majority is not thereby affected.

Similarly in all Districts, District Boards should be constituted the members of which should be elected except 10 percent who may be nominated by the Wazir-i- Wazarat, For the first 5 years the Wazir-i-Wazarat may preside over the District Boards. Later on, however, the President should be elected from among the elected members by a majority of votes.

The Municipal Committees and the District Boards should have the same duty and power as in the Punjab and should like the Assembly have communal representation.

We respectfully request Your Highness to be pleased to immediately issue necessary instructions with regard to the establishment of Municipal Committees and District Boards on these lines.

JUDICIARY.

Seventy percent of the High Court Judges should be Muslims.

REVENUE.

Land Revenue should be assessed on the same lines as in the Punjab.

SERVICES.

1. Communal proportion should be observed in all grades of the services and the basis of recruitment should be the minimum qualification.

If the requisite number of Muslims of high education be not available recruitment may be made from less qualified Muslims in preference to better qualified non-Muslims. For instance Matriculate Muslims should have preference over non-Muslim graduates excepting of course with regard to such departments in which high technical qualifications may be essential. In this way Muslim representation on the services should be increased by at least 10 percent every year until they get their due share in the services.

2. There should be a Public Services Commission in the State and the different communities should be represented on it according to their numerical strength.

3. His Highness the Maharaja Bahadur should have the power to appoint 25% of the total number of higher grade posts directly with due regard to communal proportion.

4. Where necessary, age restriction should be relaxed to redress communal inequality.

CONCLUSION.

Your Highness, these are our main suggestions with regard to the future Constitution of the State and the fundamental rights of the State subjects. There are other suggestions as well respecting some of the acute grievances of Your Highness' muslim subjects which though requiring careful thought and consideration are such as may be adopted in a much shorter time than the framing of a constitution. Owing to their different nature we are submitting our grievances in the form of an Appendix to which it is prayed Your Highness may be pleased to give immediate attention.

We conclude this Memorial by again offering our sincerest thanks to Your Highness and hope that keeping in view the advancement of the times and the noble example already set by some of the Ruling Chiefs of the Indian States, particularly that of Cochin and Mysore, Your Highness will be most graciously pleased to give your very kind and sympathetic consideration to our humble Memorial and will thus strengthen the bonds of love and affection by inspiring your Muslim subjects, who have ever been loyal to Your Highness and to Your Highness' family with even stronger feelings of loyalty and devotion.

We beg to remain,
Your Highness' most loyal and devoted subjects,

1. MOHAMMAD YUSUF (Mirwaiz)
2. AHMADULLAH (Mirwaiz Hamdani)
3. SAD-UD-DIN SHAWL
4. SYED HUSSAIN SHAH JALALI
5. GHULAM AHMED ASHAI
6. YAQUB ALI
7. SHAHAB-UD-DIN
8. ABDUL HAMID
9. GHULAM ABBAS
10. GOHAR RAHMAN
11. S. M. ABDULLA

Representatives of Jammu and Kashmir Muslims.

SRINAGAR,
19th October 1931.

Source: Memorial presented by the J&K Muslims and His Highness reply there to. Srinagar 19th Oct. 1931
(Govt, publication).

Appendix.

1. ZAMINDARS.

(a) Zamindars of Kashmir are deprived of proprietary rights over their lands whereas those of Jammu fully enjoy those rights. The people of Kashmir cannot sell or mortgage their lands of their own will. They cannot even cut the mulberry, the walnut and the *Chinar* trees grown on their private lands or make use of them, nor can they remove the dead and fallen timber of such trees with the result that the Kashmir Zamindar is no better than a mere tenant. There is no reason to make a distinction between Kashmir and other parts of the State. The State cannot claim proprietary rights over Kashmir lands merely because Kashmir was purchased from the British. A transaction of this kind could only affect the rights of the government but not the proprietary rights of the subjects on their lands. No government has the right to sell the proprietary rights of the lands belonging to the people. We therefor request Your Highness to be most graciously pleased to restore Your Highness' Zamindars subjects to their full proprietary rights.

In this connection we may add that the view expressed in certain quarters that the present system is in the interest of the Zamindars himself is incorrect. There can be no justification whatever in depriving a person of his lawful rights with the alleged object of protecting him against the danger of his land passing into the hands of the money lenders. In our opinion this danger can and should be effectively guarded against by the introduction of such measures as the Land Alienation and Preemption Acts. Anyhow nothing should stand in the way of full proprietary rights being granted to the Kashmir Zamindars.

(b) The Zamindars have acute grievances against the Departments of Forest, Revenue, Police, Game Preservation and Mulberry culture. It is therefore requested that a commission consisting of non official element be appointed to inquire into these grievances and submit a report to Your Highness with a view to improving their conditions.

(c) Bribery is common and it chiefly affects the Zamindars, effective steps should be taken to stop it.

(d) The way in which *Nautor* chakuk are granted to state servants and others is most objectionable. *Nautor* prepared by Zamindars should on no account be given as grants. Those already given should be restored.

(e) Coronation concessions granted to Zamindars have been frittered away by wrong interpretations. Steps should be taken to rectify the mistakes.

(f) The grazing tax is too heavy; it should be as in the neighbouring British territory.

2. BAKARWALS.

(a) The tax on the *Bakarwals* is too heavy and is ruining them financially. The annual tax of Two Rupees, seven annas, per goat sometimes exceeds the price of the goat

p-35

itself. The object underlying this tax is apparently to encourage sheep breeding which is helpful in the woollen industry and the protection of forests. But these considerations do not justify the imposition of so heavy a tax which is ruinous for the great investment of the Bakarwals. The object in view may be secured by means of sheep-farming, State subsidy and by educating the Bakarwals. We therefore humbly pray that the tax on goats should be the same as that on sheep, or it may be slightly higher.

(b) The Muslim *Bakarwals* have been branded as a criminal tribe, while the Hindu tribes who follow a similar profession bear no such stigma. This invidious distinction is causing great heart burning and may kindly be immediately removed. If any *Bakarwal* is guilty of an offence he should be dealt with under the ordinary law of the land.

3. ARMS.

The people of Kashmir are deprived of the right of possessing arms whereas their follow subjects of Jammu have no such restrictions. It is requested that this invidious distinction may kindly be removed. Similarly there should be no distinction between Jammu and Kashmir in respect of game laws for State subjects.

4. MILITARY.

There are no arrangements for the Military Education of the Muslims, with the result that they are deprived of their due share in the high Military posts. The existing Military College at Jammu being a Hindu Wakf benefits the Hindus only. It is necessary therefore, that the State should establish a high class Military College of its own and only those who undergo a course of training in this institution should be appointed to higher posts in the Army. The rights of Muslims and other communities should be duly safeguarded in this College in proportion to the strength of their population.

5. CUSTOMS.

Certain customs duties levied at present are hampering the trade of the country. No duty should be levied on goods exported from the State. Nor should any import duty be imposed on medicines or on goods imported personally or through mail for *banafide* private use. No duty should be levied on genuine state-made goods on reimport whether shown to customs officers or not before export.

6. LABOUR.

The condition of the labourers of Kashmir is pitiable. We request that a Commission be appointed to enquire into their condition, hours of labour, terms of contract with the employees etc., and that after considering its report a law should be framed which should secure to the labourers their legitimate rights. New means of employment should also be found out for the unemployed.

7. EDUCATION.

The Muslims of Kashmir are deplorably backward in education. Unfortunately Mr. Sharp's report which would have benefitted the Muslims was not acted upon. To improve the condition of the Muslims educationally, in addition to Mr. Sharp's recommendations, the following measures may kindly be adopted immediately:—

P-36

(*a*) The number of Middle and High Schools should be increased and each important centre of Muslim population should have adequate arrangements for education. It is hoped your Highness will be pleased to issue immediate instructions for this purpose.

(*b*) Colleges for higher industrial education should be started with one at Srinagar.

(*c*) In order to make up for the educational backwardness of the Muslims more special stipends should be reserved for and awarded to Muslim students. Promising Muslims should be sent out to British India and foreign countries for higher education.

(*d*) Adequate number of seats for Muslim students should be reserved in professional and technical institutions and also in the Science faculties of Schools and Colleges.

(*e*) Instruction is imparted in Hindi in certain Girls Schools, which is proving a great obstacle in the way of Muslim girls. This obstacle should be removed. The medium of instruction for girls should be Urdu as it is for the boys.

Source: Ibid.

Reply to the Memorial presented by the Jammu and Kashmir Muslims 1931.

—:o:—

I have listened with great interest to the memorial which has just been presented. As an advance copy was submitted very late last night and as you have raised various important points on which it is not possible to give a decision off-hand, I find myself unable to make a detailed reply today. I may, however, assure you that no time will be lost in dealing with your representation and in arriving at a decision thereon.

I am very glad to feel that you have responded loyally to my desire for the restoration of absolutely normal conditions expressed in the Proclamation of general amnesty made on my Birthday. The assurance which you have renewed of the loyal devotion of my Muslim subjects to my Throne and Person have touched me and it will be my earnest endeavour to see that the ties which bind the Ruler and the ruled remain unaffected.

/ The points mentioned by you fall generally into three categories.

First, there are certain matters regarding which you suggest the appointment of Commissions for investigation and report;

Secondly, there are matters which affect chiefly my Muslim subjects;

Thirdly, there are matters which affect not only my Muslim subjects, but also my Non-Muslim subjects.

As regards the suggested enquiry into firing, you are aware that the Committee presided over by Sir Barjor Dalal has completed its enquiry into the incidents of 13th July and has submitted a report which has been published and is under consideration. I have just appointed a Committee for enquiry into the firing of 22nd, 23rd and 26th September.

As to the second category, these matters will be considered within a short time and the decision announced.

As regards the third, I welcome the idea of associating my people with the working of Government. The working out of the details of such a scheme, however requires much careful consideration and I propose to appoint a Commission for the purpose of thrashing out the question in detail, which will consist of official and non-official members representing all communities concerned and presided over by an Officer belonging to none of them. The personnel and the terms of reference of the Committee will be announced very shortly.

The question of representation in the Services has already been engaging the attention of my Government and a declaration of policy will be made as soon as possible.

(Sd.) HARISINGH,
MAHARAJA,
G. C. I. E., K. C. V. O., A. D. C.

SRINAGAR,
19th October, 1931.

source · [illegible]

(14) P-38 24th oct. 1931

MEMORIAL

OF

Demands presented by the Kashmiri Pandits to His Highness Raj Rajeshwar, Maharajadhiraj, Shri Maharaja Sir Harisingh Ji Bahadur, Inder Mahindar, Sipar-i-Saltanat-i-Inglishia,

G. C. I. E., K. C. V. O., A. D. C.,

Maharaja of Jammu and Kashmir,

Srinagar.

MAY IT PLEASE YOUR HIGHNESS,

We, representatives of Kashmiri Pandits, beg to submit below our community's demands for Your Highness' consideration. Our community's loyalty to Your Highness' House is well tried. Our devotion to Your Highness' person and throne needs no reiteration. Our hopes have been centred in Your Highness ever since Your Highness' assumption of the office of the Senior Member of the late State Council. Your Highness' liberalism and solicitude for the people have found expression in several reforms which must for ever enshrine Your Highness in our hearts. Encouraged by all this, and with a view to assist Your Highness' Government, we venture to avail of the opportunity which has been so graciously granted to us for placing our demands before Your Highness :—

(1) Recent events have unmistakably proved the Machinery of the administration in the State to be unsound and totally unfit for purposes of modern government. The Srinagar Riots Enquiry Committee has not gone into the matter at any length, but even its findings corroborate our statement. Nepotism and jobbery are still at work in the selection of men for higher posts in the State. If in the time of His late Highness, outsiders were given responsible posts to the exclusion of local men, the tendency in more recent years has been to put men (local in many cases) irrespective of merit or qualifications incharge of such posts. We stand by the principle of preference for "State subjects" and do not desire any change in the definition of the term. But we are opposed to a system under which the posts of a Governor of a Province and the Inspector-General of Police can be given to mediocre men wanting, as has been found by the Riots Enquiry Committee, in executive efficiency. Merely communal or even national considerations should not weigh in selecting men for posts of the highest responsibility. We would not exclude even Englishmen and Lent Officers from such posts, should circumstances make their appointment necessary. For obvious reasons, we must rule out such Englishmen and Lent Officers as have been directly connected with the Government during the last ten years. The appointment of really capable men at the helm will obviate the necessity of making too frequent changes in the administration and improve its general tone. But more than that, the policy of drift will give way to purposeful government. The irresolute methods of administration should end. The Government has of late become

24th oct. 1931

P-39

top-heavy and indiscriminate expenditure has contributed to the unsatisfactory state of our finances. This combined with the laxity in the control of audit and accounts makes the Government grope after make-shifts. Recent orders of penny-wise and pound-foolish retrenchments which have mainly affected our community should be withdrawn. Retrenchment should, in the first instance, aim at stopping wasteful expenditure and begin with highly paid services.

(2) The Government should make adequate arrangements for the protection of Law-abiding citizens, their homes and their places of worship against unprovoked attacks, loot, arson and incendiarism. No well-wisher of the Government can contemplate with equanimity the utter bankruptcy to which the administration of law and order in the State was reduced recently. We are not for a rule by ordinance, which became necessary last month simply because the ordinary law was not set in motion. But the Government should never fail to discharge the primary functions of Government. In the Muffasils the position of our community is perilous, and special measures of protection are necessary. The Government should deal with the situation with sympathy and understanding and make it possible for us to breathe freely. Firearms should be granted to those Kashmiri Pandits who can reasonably apprehend danger to their life and property.

(3) The wrongs suffered by our community in the recent riots need not be mentioned here. But Vicharnags should be made impossible for all time. Your Highness' illustrious grand-father, Maharaja Ranbirsingh, granted three lakhs of rupees as compensation to the Shias, who were looted in his time by the Sunnis. Your Highness has already been gracious enough to declare that the question of granting compensation to Hindu sufferers of recent riots is engaging Your Highness' attention. This grant of relief is, therefore, not one of our demands today. But we cannot help observing that these sufferers have not so far received that attention from the authorities that their case deserved. We take this opportunity of informing Your Highness that there is a wide-spread impression in our community that we are doomed to suffering because we may not make noise such as must compel attention. If law and order are to be vindicated, it is the Kashmiri Pandit who must suffer Lathi charges, if retrenchments are to be made, it is Kashmiri Pandit who must be victimised before others, if a favourite is to be pitchforked into high office, it must be over the head of some Kashmiri Pandit. It is again Kashmiri Pandit officers who can be turned out from service with impunity without reason. And a Kashmiri Pandit official's worth may be recognised on all hands, and yet he may be condemned to an inglorious career taking orders from those whom he should command. No one can say that we as a community suffer from the disease of impatience. One can easily imagine what would have followed if any other community's place of worship had been set on fire as our temples have been set on fire, even after the amnesty. We do hope that Your Highness' Government will *demonstrate* in practice that *whatever might have been the case so far,* no discrimination against us will be allowed in future in any sphere whatsoever.

4) Consistently with our culture and tradition of our community both here and outside the State, we cannot look on things through communal glasses. It was the proud boast of the great Pandit Moti Lal Nehru that his mind could not run in communal channels. This sums up, we believe, the position of the average Kashmiri Pandit on communal matters. Long before the Musalmans of Kashmir had become politically conscious, it was Kashmiri Pandits who fought for modernism in the administration. It was they who first raised the cry of Kashmir for Kashmiris. It was they who first demanded a legislature, a free press and a free platform. They cannot today go back on their nationalism, and repudiate these and other essentials of good Government. Recently they have not been so vocal on political reform, but the reason is that the Musalmans have presented their claims avowedly on communal grounds and for communal ends. Kashmiri Pandits are as anxious as any other community for the introduction of constitutional Government, but they are equally anxious that the body politic should not be corrupted by the canker of communalism. Even that greatest votary of liberty, Mahatma Gandhi, was once so upset with the communalism of the Indian Press as to say that if he had the power of an autocrat, he would proscribe all papers in India with the exception of his own "Young India". In India today one Provincial Lagislature and several Municipalities have become arenas for communal firebrands, a state of affairs which is by no means enviable. We should rather do without a free press and a free platform and the right of representation than make our country a hotbed of communal warfare. Recent events in Kashmir are a tragic demonstration of the evils of communalism. Free press and platform or no press and platform, the Government can at no time deal too strongly with those who preach hatred among different classes of people.

We are opposed to giving statutory recognition to the vicious principle of communal representation. The constitution of a lagislature in accordance with the stage of our political evolution, its powers and functions, the franchise and other matters are things of detail which cannot be decided without a regular and open enquiry. We reserve to ourselves the right of making concrete proposals on all such matters at the proper time.

(5) One matter which has driven our community to the verge of despair is our economic position. It was proved by our spokesmen before the Riots Enquiry Committee that about a thousand of our educated men: Matriculates, Undergraduates, B. A's, B. Sc's, M. A's, M. Sc's, I. F. S's, and LL. B's, are without service. The number of such young men in all other communities put together cannot be more than 200. In recent years about a hundred Kashmiri Pandit educated men have settled outside the State, including such distant places as Itlay and England. The Government has in the past on numerous occasions passed over the claims of our qualified men and given preference to men of indifferent worth from other communities. The Riots Enquiry Committee has observed that qualified men from among Mohammadans are not available, although, paradoxically enough, it states that they have a

P-41

" legitimate grievance, " in that they are not represented in service in larger numbers. The truth, however, is that Kashmiri Pandits have the grievance that their Graduates must give way before Matriculates of other communities. The Committee again states that Muslims were never excluded from service because they were Muslims. It could be correctly said that Muslims have been taken in service because they are Muslims, and it was in the humour of despair that many Kashmiri Pandit young men expressed their preparedness some time ago to embrace Islam when applications for certain posts were invited from Muslims alone. *The glaring truth is that Kashmiri Pandits are being excluded from service because they are Kashmiri Pandits.*

We have said above that the most responsible offices in the State should be given to the best available men not excluding Englishmen and Lent officers, but we cannot help observing that Kashmiri Pandits have not even been considered for those high posts which have been recently or are even now, in the hands of State-subjects belonging to different other communities in the State. Even Sir Albion Bannerjee, whose oft-quoted statement has been exploited so successfully to our detriment could not help remarking that Kashmiri Pandits are a "depressed class". It will be admitted by all that a community, whose political importance in the past history of Kashmir is unquestionable and which has given to India her best politicians, is not receiving its due in its own home. Our fault is that without any special facilities we received higher education, beating the other communities in the race. Although our population is small, 60 to 75 per cent of those in the State who have received or are receiving higher education belong to our community. With this inherent sin of being Kashmiri Pandits, we cannot expect to get even petty clerkships, which, we are told, must be conferred not on grounds of efficiency but on grounds of communalism. Without other resources to draw upon, Kashmiri Pandits have been left wondering how to keep body and soul together. During recent years this vicious policy of making appointments on communal grounds has operated against our interests alone. And unless a miraclehappens in this age—notorious for its absence of miracles—there is absolutely no hope for our younger generation, which believes in the diginity of labour, to earn honest livelihood in the State. We do not want to tire Your Highness by giving examples, but the Appendices IV, IV (*a*), V, and V (*a*) of the Statement presented to the Riots Enquiry Committee, a copy of which is herewith submitted, which could be supplemented by similar statements relating to other non-Muslim communities, will speak for themselves. We, however, wish to point out the case of a Kashmiri Pandit First Class First M. A. *in English* who was refused the post of a *Lucturer in English* in the Prince of Wales College, which was conferred on a Second Class Mohammadan M. A. *in Philosophy*, a thing which would not be possible in any College outside Kashmir. The same gentleman was on a previous occasion passed over to make room for a *Third* Class Mohammadan M. A. in English. Several others of our First Class M. A. 's have been treated in similar manner. Such things must be stopped at once. Our community will feel reassured by Your Highness issuing orders that all such preferences must become a thing of the past. We also pray to Your Highness to be pleased to publicly announce that our community will not *any more* be place under any disability in the matter of employment in the State. We respectfully beg to submit that in such matters quibbling formulas do not at all serve any useful purpose. We do not claim any special rights. We do not ask for preference in any matter on the ground that we are a minority. We want fair field and no favour in the matter of grant of service.

(6) There can be no reason for the exclusion of Kashmiri Pandits from the Army. Even at present, Kashmiri Pandits hold high military ranks in British India and several States. We do not want to refer to old times, but the history of Kashmir during the times of the Afghans and the Sikhs furnishes examples of epic courage displayed by scions of Kashmiri Pandit families. In Maharaja Ranjit Singh's army, many Kashmiri Pandits held high command and distinguished themselves in various battles against the Afghans. In several battles in the State, Kashmiri Pandits fought and scored victories. Skardu and Muzafferabad were once conquered by a Kashmiri Pandit Ganesh Pandit Dar. They played an important part in the conquest of the frontiers and their consolidation. How Kashmiri Pandits helped not only in the creation but also in the building of the State needs no detailed description. But for the supreme sacrifice and courage of Pandit Birbal Dar and Mirza Pandit Dar the history of Kashmir would have been differently written. It is therefore, not at all unreasonable to expect that the doors of military service will be thrown open to our community in the very near future.

(7) The problem of providing employment for the unemployed is greater than that of removing the disability which has been put on our community. The question of mass unemployment can be solved by the State and the State alone. It is the duty of the State to provide a living wage for every adult male willing to work. More than that, the best interests of the State lie in this that educated men are not given cause for disaffection against the administration. It is notorious that discontented B. A.'s feed revolutionary forces. When we say this, Your Highness, we are pointing out a danger which we shudder to contemplate and which all well-wishers of the State should be anxious to avert. It is not for us to suggest a scheme for the relief of unemployment, but a country with the natural wealth and physical advantages of Kashmir, must provide employment not for one thousand but for thousands of educated men.

The Government has not so far shown a real appreciation of the problem. Both the sympathy and efficiency so necessary for the solution of this problem have been wanting. This calls for change. As many Kashmiri Pandit families as possible should be encouraged to take to agriculture by liberal grants of land. All the existing restrictions on the sale, mortgage and transfer of agricultural land in favour of Kashmiri Pandits should be removed. Special scholarships have been granted to all the communities other than Kashmiri Pandits for general education. On the same principle, special facilities should be provided for Kashmiri Pandits to encourage them in the fields of agriculture, industry, arts and craftsmanship. The only community in the State which is not p.43

classed as backward is our community, obviously because we are the most educated and our occupation has mainly been, owing to circumstances which are the creation of history, Government service. For these reasons however, we are economically worse off than other communities. We also claim to be a "backward community" so far as really productive professions are concerned. To give us encouragement in such spheres, special facilities are necessary. But even these measures will not mitigate unemployment in our community to any appreciable extent. The removal of the present disabilities under which our educated men have been put is essential, but even that will not remove the difficulty. A brisk industrial programme without further loss of time is urgently needed.

(8) In the end we beg to submit that for a settlement of the constitutional issues arising from the demands submitted by different communities, a Joint Free Conference of officials and non-official representatives of the communities is necessary. All communities should be given *equal* opportunity to present their case. We regret to have to submit that during the past, important decisions detrimental to our interests, have been taken by the Government behind our back. The Conference we are proposing, will examine the outstanding issues in all aspects, and also take into account all pertinent matters including the future of Indian States in general as finally evolved at the Round Table Conference, the peculiar strategic position of the State, and the existing state of affairs obtaining in different states.

(9) To sum up our community's demands:—

(1) The machinery of administration in the state should be remodelled to serve the purposes of modern Government. Jobbery and nepotism should be ended. Positions of the highest responsibility should be given to men of tried worth, Indians or Englishmen. The efficiency of administration should be maintained at the highest standard. A resolute Government is our first demand.

(2) Proper arrangements should be made for the protection of law-abiding citizens, their property, their homes and their places of worship against attacks, loot, arson and incendiarism. Kashmiri Pandits should be provided with fire-arms, where necessary. Special arrangements should be made for the protection of Kashmiri Pandits in the Muffasils.

(3) We are for the principle of a fair field for all and no favour for any. All discrimination against our community should be stopped. The practice of passing over the claims of highly qualified Kashmiri Pandits and giving preference to men of indifferent merit belonging to other communities should become a thing of the past. The recommendation for giving preference to Mohammadan Matriculates over Hindu Graduates should be repudiated. As all other communities have been given special facilities to induce them to take to literary

pursuits, our community should be provided with similar facilities for agriculture, commerce and industry.

(4) The problem of educated unemployment should be seriously tackled not only in the interests of our community but also in the interests of the State. Recent orders of penny-wise and pound-foolish retrenchment, which have mainly affected our community, should be withdrawn. Retrenchment should, in the first instance, aim at stopping wasteful expenditure and begin with highly paid services. As many Kashmiri Pandit families as possible should be encouraged to take to agriculture. All restrictions on the sale, mortgage and transfer of agricultural land in favour of Kashmiri Pandits should be removed. A brisk industrial programme should be launched forth atonce.

(5) Communalism should not be introduced in the body politic in any form. No statutory recognition should be given to communal majorities and minorities.

(6) The Military Department should be thrown open to Kashmiri Pandits.

(7) Subject to the above conditions, our community is for the establishment of a system of government on constitutional lines. We are for a legislature which is free from all taint of communalism. We, however, reserve to ourselves the right of making concrete proposals on constitutional reform at the proper time. We are for free press and free platform, but license must be mercilessly put down. In our opinion the Government can at no time deal too srtongly with those who preach hatred between different classes of Your Highness' subjects.

(8) To deal with all constitutional issues arising from the demands of various communities and to recommend a scheme of reform, a Joint Free Conference should be instituted which will take into account the future of Indian States in general, the peculiar strategic position of Kashmir, and the existing conditions of affairs in different Indian States. Equal opportunity should be provided to all communities to present their point of view.

Srinagar,
24th October 1931.

We beg to remain,
Your Highness'
Most loyal and obedient subjects,

1. JIA LAL KILM
2. JANARDAN TENG
3. PREM NATH BAZAZ
4. KASHYAPA BANDHOO
5. DAMODAR BAT

Source: Memorial presented by the Kashmiri Pandits and His Highness reply there to Srinagar 24th Oct. 1931. ~~Srinagar~~
(Govt publication)

⑮ P-45

(Extract)

Reply to Representation from Kashmiri Pandits.

——:o:——

I am very pleased to have the opportunity of receiving your representation about your present position in the State and your apprehensions for the future. I deeply appreciate the loyal sentiments to which you have given expression in your address and I trust it is unnecessary for me to assure you that I shall always continue to take a deep personal interest in all that concerns the welfare of the Kashmiri Pandit community, which, though small in numbers, is the best educated community in the State and comprises the original inhabitants of the country who have maintained their time-honoured traditions.

I wish to extend to you my deep sympathy in the sufferings which your community had to bear in the riots of 13th July and I entirely agree that it is the duty of Government to see that the life and property of peaceful citizens is secure from all attacks of law-breakers. The suggestions contained in the Report of the Riots Enquiry Commission on this point will receive the most careful consideration by my Government and as far as it lies in our power, we shall see that there is no repetition of such unfortunate incidents in the future. A great deal however depends on the communities themselves. It is their duty to see that they do nothing, directly or indirectly, which is calculated to wound the just susceptibilities of the sister communities. In all such matters there is the need of great restraint in speech and action and heavy responsibility lies on the leaders of the various communities. I am sure you as well as other communities will realize the importance of this and that so far as each community is concerned, it will give no cause for offence to any other community in any manner whatsoever.

Belonging as you do to a community whose sole means of livelihood has from time immemorial been State service, you naturally lay great stress on the difficulty of securing employment in State Departments for all the educated members of your community. That there is acute unemployment among you is as undoubted as it is deplorable. But I am certain you will be the first to recognise that with the steady growth of education in other communities the position of advantage which your community enjoyed in the past in regard to State service, cannot continue. It will however be necessary to consider what other openings can legitimately be provided for those who cannot be absorbed in State Departments and this question will receive the sympathetic attention of my Government. I would also assure you that I and my Government are fully alive to the necessity of carrying out retrenchments in public establishments in such a manner as to cause the minimum hardship and we have tried to leave the lower paid establishments untouched as far as possible.

I have already announced that for the consideration of questions relating to the association of my people with the Government a Commission representing all the communities affected will shortly be appointed. You may rest assured that your community will be represented on this Commission and that along with others you will be given an equal opportunity of presenting your case before that body.

The remaining points in your address must, I fear, be reserved for more detailed consideration. No time will, however be lost in taking them up and announcing decisions.

(Sd.) HARISINGH.

MAHARAJA,

G. C. I. E., K. C. V. O., A. D. C.

SRINAGAR,
24th October 1931.

Source: Ibid

(16)

P-46

MEMORIAL PRESENTED BY THE JAMMU AND KASHMIR SIKHS

AND

HIS HIGHNESS' REPLY THERETO.

* * *

SRINAGAR,
24TH OCTOBER 1931.

P-47
(Extract)

To

HIS HIGHNESS THE MAHARAJA BAHADUR
OF JAMMU AND KASHMIR GOVERNMENT,
Srinagar.

MAY IT PLEASE YOUR HIGHNESS,

The loyalty of the Sikhs to Your Highness' House and Person is so well known, that it is not at all necessary to make mention of it in detail or illustrate it here. We have been holding deep hopes that in dealings with us we shall receive justice. This deep laid hope of ours has been strengthened by the proclamation made by Your Highness on two memorable occasions to the effect, that Your Highness' religion is Justice. We beg to submit that notwithstanding our hopes and the said proclamations the treatment of the Sikhs by the Government has not at all been consistent with the sentiments contained therein. It is needless for us to point out that we are an important minority and the fact of our being a martial race adds to our importance immeasurably. We have all along remained steadfast in our loyalty. Despite these facts which should have, in the ordinary course, entitled us to special treatment and privileges, we have invariably been ignored and our claims overlooked, with the inevitable result that we have become the most backward important minority.

For this deplorable state of Sikhs we do not lay the whole responsibility upon Your Highness' person but upon the method and manner of administration, which has mixed with dust all our hopes and aspirations, which we have been cherishing because of the incalculable loyal services rendered by us to Your Highness' house. We have been bearing all hardships and have continued to remain most peaceful and loyal. Our ingrained deep loyal devotion will become more deep rooted and strengthened if justice is dealt out to us, in all the functions of the Government and if our rights and interests, as a most important minority—one that has rendered most valuable services—are specially protected and safeguarded. We sincerely deplore the agitation and disturbances of peace that have been going on since some months past. It is needless to explain the organised conspiracy and intrigue that is functioning at the bottom of it. Although we have been faced with great difficulties and dangers, we have proved by our actions that we stand for peace, unity and loyalty. This is patent from the fact that we have all along refrained from interfering with the administration and have tried to maintain the supremacy of administration, by refraining from criticising any action of the Government. We have not taken a step which might be prejudicial to the maintenance of Law and Order, or done an act which might be calculated to produce unpleasant relations between the various communities living under Your Highness' rule. We have been trying to maintain the prestige of the Government and to remain peaceful and united, and we shall try to maintain the same in future if the administration is based upon the principle of justice.

Unfortunately there exist circumstances, which, we apprehend, will not permit Your Highness' important proclamation—that Your Highness' religion is justice—to be put into practice, but will, on the contrary create difficulties and obstacles in the way of all attempts aimed at uniting the Ruler and the people in bonds of love and affection. It is therefore most submissively prayed that Your Highness will graciously see that the aforesaid circumstances no longer stand in the way of giving effect to the principle of Justice, so that important minorities and zamindars like ourselves may have full assurance that their rights and interests will be safe-guarded and protected with Justice and sympathy.

It is not necessary for us to submit what personal difficulties and loss of property and dangers to life we have had to face in our endeavours to maintain unimpaired the rule and the respect and prestige of Your Highness' house.

We beg to express our gratitude to Your Highness for now recognising us also as one of the communities living under Your Highness' rule and granting us, as such, an opportunity of submitting our demands. With genuine hopes in our hearts that our demands will be accepted, we beg leave to submit below our pressing demands :—

1. The Sikhs have till now been completely ignored in the Military Department, with the result, that there is not a single Sikh regiment in the State. The fact that the Sikhs are a martial race and are the best fitted for the Military service, is too well known to need amplification here. We therefore, pray that Sikhs should be given at least one third of services from highest to the lowest ranks in the Army. The condition of being a State subject should be waived in case of Sikh recruitment in the Army as is done in the case of Gurkhas.

2. For the reason given in para No. 1 we claim that the Sikhs should be given at least one third of the services of all grades in Police Department. Besides giving to the Sikhs their legitimate due, this course of action will prove most conducive to maintenance of Law and Order and will therefore, be beneficial both to the Government and the people.

3. In all civil departments and Municipalities at least 33% posts both Gazetted and non-Gazetted should be given to the Sikhs.

4. There should always remain one Sikh Minister in Your Highness' Cabinet ; we should also have an effective voice in the Army Board. There should also be some Sikh departmental as well as provincial heads.

5. In matter of recruitment to Civil Departments all domiciled Sikhs should, in case of necessity, be equally eligible for appointment with the hereditary State subjects. This is necessary because the number of Sikhs in the Civil Service is negligible.

6. The Sikh community is minority, and it is with great pain that we have to say that because, of the unsympathetic and indifferent attitude of the authorities we have remained a most backward community. It is the foremost duty of Your Highness to take measures that will remove our backwardness. This will not be possible unless special provisions are made for making education easy for Sikhs. It may be submitted here that it is most imperative need with us, especially when it is remembered that Your Highness has all along in the past been making special provisions for Muslim education, even though they are the

majority community. With a view to remove our educational backwardness we beg to pray that :—

(*a*) Close scholarships of a very liberal amount be reserved for Sikh students in schools and Colleges.

(*b*) Special scholarships be reserved for Sikhs in technical and Industrial institutions.

(*c*) Special scholarships for Foreign education and training be given to the Sikhs.

(*d*) Punjabi be introduced in schools and Colleges and girl schools as it is in the Punjab. It is well known to all that the Punjabi is one of vernacular languages recognised and taught by the Punjab University.

(*e*) Provisions be specially made for Sikh boarding houses at Srinagar, Baramulla, Muzaffarabad, Mirpur, Jammu and other important centres.

(*f*) Primary schools for boys and girls be started in all Sikh villages.

(*g*) Agricultural schools should be started in villages where Sikh boys may receive agricultural education and training.

7. In case your Highness contemplates the inauguration of Legislative Council as we are not particular about it, we beg that one third of the total number of seats should be reserved for Sikhs.

8. The Sikhs do not enjoy religious liberty in the following cases. On the contrary these are clear encroachments on their freedom to perform religious practices and observances.

(*a*) Sikhs cannot in view of Notification No. L. 2 of 1980 take out religious processions without the previous permission of the District Magistrate. We pray that an exception be made in the said Notification in the case of Sikh Nagarkirtans.

(*b*) The Government exercises control over the management of certain Gurdawaras and Dharamsalas. A most glaring and unhappy instance of this interference by the Government in the management of Sikh Institutions is the constitution of Mirpur Gurdawara Committee of which the local Wazir is the President and non-Sikhs members. With the object of securing religious freedom it is most essential that the Sikhs should have complete and exclusive control over all Sikh Gurdawaras and Dharamsalas and all property attached therewith.

9. The personal Law should in no case be interfered with. The claim of certain people that conversion from one religion to another should not entail any forfeiture of rights of inheritance is a direct interference with the Law.

10. At the time of considering the recommendation of the Srinagar Riots Committee for appointing a conciliation Board the claims of Sikhs for seats in the said Board should not be over-looked. We pray that the number of Sikh members therein should be equal to that proposed for the Hindus and the Muslims.

11. The Land Alienation Act in force in the State should be repealed in toto.

12. Transfer of Land both agricultural and non-agricultural by sale and otherwise outside Municipal limits also should be allowed in Kashmir.

13. All vacant and khalsa lands be freely granted to the Sikhs, because the lands already in their possession are not sufficient even for themselves and cannot therefore allow further Sikh settlement.

14. Mulberry, Chinar and walnut trees should be the property of the persons on whose lands they stand and such owner should have full power of transfer over these.

15. The land holders have recently been given the right of use of coniferous trees growing over their lands. We pray that they should further be given the full rights of ownership including the right of sale.

16. Game preserves in the vicinity of inhabited as well as cultivated villages should be abolished, because the wild animals of these preserves do immense damage to crops.

17. Taxes for grazing in the villages should be altogether abolished and taxes for grazing lands outside villages should be reduced.

18. Land Revenue rates are high both in Jammu and Kashmir and reasonable reduction should be made therein. In case of Jammu there should be considerable remission of land revenue because of the fall in prices of food stuffs.

19. The Sikhs being a martial race should be given the right to keep fire arms for the purpose of self-defence from wild beasts etc.

20. A law should be enacted prohibiting import, manufacture, possession, use and sale of all kinds of liquor, as it was in the glorious reign of His late Highness Maharaja Ranbir Singh Bahadur.

21. Freedom of speech and press should be given by statute.

22. If the Government can not help resorting to retrenchment for financial ends, we beg to submit that under no methods for retrenchment should any Sikh suffer. No Sikh should come under reduction nor should any Sikh be retired prematurely.

23. The Census figures of 1931 are entirely wrong and we challenge their correctness. We can adduce proof in support of our contention and therefore pray that until correct figures are made avialable no reliance should be placed upon these figures, and we should not be made to suffer.

24. The Sikhs should be entitled to admission in the Military Training School Jammu, which is at present reserved for Rajput students only.

25. The definition of " State Subject " should be amended to the extent that Rayatnama should be sufficient for getting the status of a State subject as before. So long as competent Sikh State subjects cannot be enlisted from the State for higher service, they should be recruited from outside.

We beg to remain
Your Highness,
Your Highness' most loyal and faithful subjects.

Srinagar,
24-10-1931.

Srinagar.

1. (Sd). MALSINGH.
2. „ HEMSINGH.
3. „ JASWANTSINGH SETHI.

Baramulla.

1. (Sd.) MANSINGH.
2. (Sd.) GURBAKHSH SINGH.

Muzzaffarabad.

1. „ GURDIT SINGH.

Jammu.

1. Sd. MEHTABSINGH.
2. Sd. SUNDARSINGH.

Mirpur.

1. (Sd.) UTTAMSINGH.

Source: Memorial presented by Jammu & Kashmir Sikhs and ~~High~~ His Highness Reply thereto Srinagar 24th Oct. 1931 (Govt. publication).

Extract

Reply to Representation from Sikhs.

—:o:—

This is the second deputation which I have the pleasure of receiving to-day. I thank you warmly for the assurance contained in your address of your steadfast loyalty and devotion to my Throne and Person and I fully appreciate the help which every Sikh subject has given to my Government by his peaceful attitude during the recent communal and political controversies. I regret to find that you feel your rights and interests are not being adequately safeguarded. But I can assure you that there has been no discrimination of a communal character against the Sikhs or any other class of my subjects in relation to any measure or policy of my Government. If you have been adversely affected by any policy, it will be our duty to see that no such cause of legitimate dissatisfaction is allowed to continue.

The Sikh community is no doubt backward in education. To remove this backwardness special scholarships have been sanctioned for Sikhs. I presume it is your view that the existing scholarships are insufficient. I shall have the matter specially looked into and if in consequence more scholarships are found necessary, steps will be taken to allot additional funds for this purpose, as the State finances permit.

The question of employment of Sikhs in the Military is already receiving attention. I hope soon to come to a decision on the subject. There was no prohibition to their admission to the Police and in the recent recruitment your community has received a large share. With regard to the increased employment of Sikhs in the Civil Departments, it has already been announced that a declaration of policy will shortly be made after the question has been comprehensively reviewed in relation to every community within the State.

I shall also bear in mind the question of your representation on the Commission which will shortly be appointed to examine the question of associating my people with the administration. Your complaint that the Sikhs do not enjoy religious liberty is, I fear, based on some misapprehension. There is no restriction on the performance of Sikh religious rites as such. If processions require previous permission, such a provision is entirely in the interest of Public order and is to be found in British Indian Laws as well.

I am not aware of the circumstances in which Sikh Gurdawaras and Dharamsalas are controlled by Government Officers. But the question will be examined and wherever such control is unjustified, steps will be taken to dispense with it.

Your other requests are more or less on the lines of requests received from other communities, and I am sure you do not expect a decision on such points to-day. I, however, assure you of my deep sympathy and I shall bear in mind your point of view when decisions on such matters are being taken.

(Sd). HARISINGH.

MAHARAJA,

G. C. I. E., K. C. V. O., A. D. C.

SRINAGAR,
24th October 1931.

Source. Ibid

29 Oct. 1931

HUMBLE MEMORIAL

on behalf of the Hindus of different shades of opinion of the Jammu and Kashmir State presented to His Highness Maharajadhiraj, Raj Rajeshwar, Sir Harisingh Ji Bahadur, G. C. I. E., K. C. V. O., A. D. C., Maharaja of Jammu and Kashmir.

MAY IT PLEASE YOUR HIGHNESS,

This is perhaps the first opportunity in the annals of the State and the rule of Your Highness that the Hindu representative subjects of all shades of opinion are appearing before Your Highness with a common purpose and a common mission which as much concerns Your Highness as the Hindus of the State. We are assembling here under very extraordinary circumstances which have been forced upon Your Highness' auspicious self, Your Hignness' Government and the Hindu subjects in general by the mischievous, revolutionary agitation designed, inspired, and fomented by a handful of miseducated and disloyal Muslims of the cities of Jammu and Srinagar in complicity with outside pan-Islamic propaganda agencies, who abhor the very idea of a Hindu Kingdom in Northern India. In addition to this we have cogent reasons to believe that the communist agents in and outside India have a strong hand in this agitation.

During the last four months, the agitation has found expression in a series of cleverly engineered acts of mob-violence resulting in arson, loot, murder and assaults on public and private individuals besides a regular campaign of revolutionary speeches and slogans. It is a matter of sincere regret that certain incidents which have been proved by executive and Judicial inquiries to be utterly without foundation have been made the ground of attack against Your Highness' Government and Your Highness' innocent Hindu subjects. It is difficult to estimate the loss of life and property, along with concommitant worries entailing from these disturbances. This conspiracy, we have reasons to believe, traces its origin to about a decade ago. The fire was smouldering within; only the match was applied on the 13th of July 1931. We must needs deplore the fraud played upon Your Highness by Your Highness' most trusted Ministers who kept Your Highness quite in the dark and played the evil game.

1. Your Highness' Royal house is the remnant of the great Surajvansha (Solar Dynasty) of Shri Ramchandarji reminiscent of our ancient glory and power. Your Highness' august person is the symbol of the ancient Kshatriya valour and Aryan chivalry. Your Highness is the pride of Hindu race. Hindus all over India-nay all over the world-claim to look upon Your Highness and the Kashmir Durbar as a defender of Vedic Dharma, protector of the Aryan ideals and traditions and custodian of the Hindu culture and polity. They cherish to see Your Highness some day as the saviour of the Hindu nation. The Hindus have an unconscious natural attachment towards Your Highness. The idea of tutored, manufactured or pretended loyalty to the

Royal Throne of Kashmir is quite foreign to the Hindus. Your Highness! with knowledge of such a steadfast truthful devotion and such an unswerving loyalty of the Hindus in and outside the State to Your Highness, we take the liberty to submit that the enemies of the Hindu State and of Your Highness took early steps to place Your Highness in surroundings which were calculated to be unfavourable to the interest of Your Highness' Hindu subjects. They, we affirm, designed to prejudice Your Highness' crystal-like pure mind against the Hindus by serious misrepresentations which culminated in securing Your Highness' Royal assent to a number of legislative and executive measures, highly detrimental to the very existence of the Hindus and their economic life (Vide L. A. R. and A. R. R. and the like). They were planned and managed as to create distrust in the minds of the loyal Hindus against Your Highness and thus gradually alienate the sympathies of Your Highness' loving Hindu subjects.

Inspite of there being this sinister political motive behind it, it is a matter of sincere consolation and pride that contrary to expectations the loyalty of the Hindus, who were and are the solid back-bone and chief mainstay of Your Highness' Rule in the Kashmir State, has transcended all those machinations and above suspicion and reproach as it is, Hindus all over India have amply justified their traditional love for Your Highness' Royal House by their silent sufferings all these years and particularly during the past four months of extreme travail and trial.

Your Highness! Hindus in Your Highness' Hindu Raj have been murdered and plundered. Their houses and shops have been set on fire in broad-day light by the Muslim hooligans. Their women-folk including virgin girls were stripped naked and their modesty outraged. Their temples and sacred shrines have been demolished and burnt, images of Gods broken and insulted. Over and above this all, Your Highness and the blessed Maharajkumar have been foully abused in the presence of the Magistracy to the great offence of the innermost feelings of the Hindus. And, inspite of the plain and rude fact that Your Highness' Government has afforded the Hindus no protection, whatsoever, in the past or so far given them no guarantee for their future security, and notwithstanding the fact that the murderers, looters as well as their wire-pullers are to-day enjoying a victor's boastful position under Your Highness' Raj, which state of affairs is tantamount in putting a premium on goondaism and mobocracy, the Hindus have all along stood by Your Highness' Government and purposely refrained from creating any such situation, as may add to Your Highness' many sided embarrasments which we are fully conscious of. We fully recognise the magnitude of the tremendous responsibility coupled with cares and anxieties that Your Highness' Government is shouldering to deal with the present situation. Your Highness, it must be presumed that the Hindus are always ready to share the sins and sorrows of the State. We hasten to avail of this opportunity to make an humble offer of our life, property and children-nay our all-for the protection of Your Highness' person and Your Highness Raj.

2. Your Highness, voicing the feelings of about a million of Your Highness' subjects, we humbly submit that the Hindus have reasons to seriously complain against the tardy and ineffectual measures adopted by Your Highness' Government to deal with the agitators during the various stages of the revolutionary movement. The executive authorities have evinced a lack of initiative, foresight, promptitude, consistency and stability in their policy to combat the situation. Law and order has been defied with impunity, thus presenting a spectacle of complete paralysis of the Government. The

most inopportune and uncalled for agreement arrived at between the leaders of the rebels and the Government and a hasty declaration of amnesty extended even to those guilty of serious violent crimes combined with the extreme nervousness of the State authorities in hastening the release of the wilful law-breaking Muslim Jathas, has added fuel to the fire. To treat the leaders of the law breakers as State Guests is the height of offence that loyal Hindu subjects shall long pine over. This vascillating surrendering policy of Your Highness' Government has set the Hindus a-thinking if the State authorities have really ceased to function in the matter of protecting the person and property of Your Highness' loyal subjects. The Hindus' confidence in Your Highness' Government has suffered a rude shock. Even the ultra-loyalists and blind supporters of Your Highness' Government amongst the Hindus are feeling this fact.

We need not assign the responsibility for all this but we shall be failing in our duty to the Hindu public if we do not ventilate our feelings of insecurity prevalent amongst them, the intensity of which may be guaged from a movement amongst a certain section of the Hindu population to leave the Hindu State of Kashmir for good.

The absence of an effective guarantee of protection of the Hindus which has since been denied to them, has rendered them so helpless that a veil of gloom and dismay is cost over them. Many of them have been led to think that they can live in Kashmir either as Muslims or at their mercy.

Your Highness, Hindus value the lives of Your Highness, Maharajkumar Shri Karan Singhji and other members of the Royal House as their priceless national assets and we would beseech Your Highness to take sufficient precautions in the matter in accordance with the traditions of this Royal House.

We are convinced that the troubles of the State are due mainly to the policy of Mr. Wakefield and his associates and for such mischievous rumours as that of Your Highness' conversion to Islam and other baseless canards.

We earnestly believe that these agencies serve as discordant elements in the present administration.

To recapitulate, it is these issues on which ✓ the Hindus earnestly solicit a satisfactory assurance before submitting their demands to Your Highness *viz* :—

✓ (*a*) The immediate removal from State service of persons who are yet continuing in the destructive policy laid down by Mr. Wakefield.

(*b*) An assurance from Your Highness to the effect that in future a stern and stable policy will be adopted in combating the revolutionary activities in the event of their recrudescence (which is seriously apprehended) with the addition that all those accused of violence or incitement thereof will not go unpunished and that law and justice will be properly vindicated (Detailed suggestions are contained in the Appendix).

Your Highness, We and other delegates having come from different parts of the country humbly submit that we have given a long and serious consideration to the advisability or otherwise of presenting the Hindu demands just at present. But after thorough deliberation we have arrived at a unanimous conclusion that unless and until the above assurances are given to the Hindus it is futile to present any demands.

Your Highness, certainly there is a long list of Hindu demand to be presented to Your Highness but bound by the decision of the different delegations represented on this deputation, we beg to be excused for our inability to do the same at present. After the solicited assurances are given we would be calling an "All Parties Hindu Conference" at Jammu as early as time permits to get the mandate from the people on all matters of constitutional advance and others that so vitally affect the Hindus' religious, social, economic, cultural and political life.

Meanwhile, we would only pray that the consideration of Muslim demands, no matter religious or otherwise be postponed till the presentation of Hindu demands.

We therefore reserve our criticism of Muslim demands for the present except the following observations:—

(*a*) We question the representative character of the self-styled leaders who are the signatories to the Muslim Memorial, amongst whom are some of the dismissed servants of Your Highness' Government for serious misconduct.

(*b*) The Muslim demands mean nothing but a denial of the Regal authority vested in Your Highness and the establishment of Muslim Dictator-ship.

Your Highness, the Muslim demands have come to the Hindus as a bolt from the blue. We have been taken unawares. They involve serious complicated political, religious and constitutional issues which equally affect the royal prerogatives of Your Highness, the Royal House, and the Hindus. They cannot be dealt with haphazardly. They merit serious and thorough discussion and a consultation with the best constitutional heads in the country. We would be committing a Himalayan blunder in rushing at any hasty reply to these demands.

Moreover, we would be transgressing the limits of authority and mandate with which our delegations and their respective constituents have empowered us by taking any precipitate action. Besides Your Highness, we are yet in the dark about Your Highness' Government's policy in the matter of introducing representative institutions in the State administration. It will be quite pertinent to the occasion to submit to Your Highness the considered opinion of Your Highness' Hindu subjects that any hasty step towards the consideration of Muslim demands by Your Highness' Government, before the presentation of the Hindu demands and before the grant of assurances solicited above will seriously add to the complications of the situation.

One more thought that we would most humbly submit to Your Highness is, that a scheme of All-India Federation is being hammered in the Round Table Conference in London these days. It is yet on the anvil. Everything is indefinite. It is not yet certain that the Indian States will join the Federation. It will be mere waste of time and energy to discuss any constitution for the State before the problem of the Indian States is finally determined.

We would therefore submit that the consideration of the constitution be postponed till the discussions of the Round Table Conference fructify, Your Highness, before concluding we would crave the liberty of placing the following suggestions for dealing with the Hindu-Muslim problem in the State.

The position of Jammu and Kashmir being quite similar to that of Hyderabad, Bhopal and Rampur with the only difference that we have a Muslim majority under a Hindu Ruler, our humble submission is that before any demands of the Muslims are acceded to and the constitutional problem is attempted at, the existing condition prevailing in the above States may be taken into consideration with regard to the relative position of majorities and minorities therein.

Your Highness, our hearts are full of love and reverence for your august personality but it really pains us to represent that the Hindus have so far been the victims of serious misunderstanding so much so that even our loyal demonstrations intended to give expression to our feelings of devotions and to pray for the long life of Your Highness, and Shri Maharajkumar are being banned and misunderstood, while the Muslim revolutionary activities are being connived at. Your Highness, notwithstanding all this, we have always taken caution not to embarrass Your Highness' position. We have always felt duty bound to strengthen the hands of Your Highness and Your Highness' Government and we promise our whole-hearted co-operation with Your Highness' Government. This is the criterion that guides all our activities. We only wish that this spirit of ours may find a due appreciation with Your Highness and Your Highness' Government.

Your Highness, we have encroached much upon Your Highness' valuable time. We beg Your Highness' permission to retire with humble salutations and hearty thanks for the opportunity that Your Highness has given us this day with the hope that our memorial will be taken in the spirit in which it has been submitted and the assurances solicited therein will be graciously granted before the Hindu demands are presented.

We beg to remain,

Your Highness' most beloved, loyal and devoted subjects,

1. LOKNATH SHARMA.
2. DAULAT RAM.
3. THAKUR DASS, ADVOCATE.
4. RAMSARAN KOHLI.
5. MAHINDAR SINGH.
6. GANGA NATH.
7. PRAHLAD BHAGAT, PLEADER.
8. DEWANCHAND, PLEADER, Mirpur.
9. SANSARSINGH, COLONEL.
10. CHARANJIT LAL.
11. RUPCHAND NANDA, VAKIL.
12. DUNICHAND BHAGAT.

Source. Memorial of Hindus of different shades of opinion of the J&K State and His Highness reply thereto Srinagar 29th Oct. 1931 (Govt. publication)

P-58

(19)

Appendix.

1. An assurance to the Hindu public that their life and property will be duly protected and prompt steps will be taken by Your Highness' Government to prevent a recrudescence of the happenings of July last.

2. Grant of compensation from the State Treasury to the relatives of Hindus killed as also to those disabled or injured and to those whose property has been looted or destroyed, to be realized from the rebels by punitive tax.

3. The increase in military and police expenditure owing to the riots may not be made a burden on the State Treasury but should be recovered by punitive tax from those rebels.

4. The cost of reconstruction of Sangam bridge should be recovered from those responsible for this incident.

5. Cost of reconstruction of public buildings and temples should be recovered from persons responsible for these acts.

6. Cancellation of the release of persons accused of violent crimes against person and property whether public or private as well as of those accused of inciting them to violence.

7. Inflammatory speeches and propaganda against His Highness' and intended to spread disaffection amongst different sections of the public in mosques under the garb of religious discourses be severely dealt with in future.

8. A request be made to the Government of India to take action against that section of the Muslim Press which has openly abused Your Highness and Your Highness' Government.

9. Punitive Police be posted in those parts of Srinagar proper and Mufassil where disturbances have taken place and the cost b recovered from persons responsible for these disturbances.

10. Complete indemnity to those Military and Police and other State officials posted on duty during the last disturbances.

11. The C. I. D. of the State should be extended and strengthened.

Source: Ibid

Reply to the Hindu Deputation.
29TH October, 1931.

—:o:—

I am glad to receive your deputation and have followed with interest what you have said in your representation. I am deeply touched by your expression of loyalty and devotion to my Person, my Throne and my family and the affection with which you have expressed your feelings. I have also to thank you for your offer of services.

You have laid stress on the malicious press propaganda carried on about my faith and intentions, which necessitates clearing the atmosphere of misconception and suspicion. I have announced more than once that my religion is justice but I never meant it to be understood that I did not profess any religion in the common sense of the term. While dealing as a Ruler with my subjects and the problems of administration, my sole guiding principle, which is religion itself to me, has been and is justice; in my personal and private capacity I need hardly say that I am proud to be a Hindu and prouder still to be a Rajput.

In my reply to the representation of the Kashmiri Pandits I have already expressed my deep sympathy with the sufferings of the Hindu community in the riots of 13th July. I may repeat the assurance that proper steps will be taken by my Government to afford adequate protection to the life and property of all my peaceful subjects.

I am glad you have abstained from agitation and that you realized that by doing so you assist me and my administration.

I need hardly deal in detail with the criticisms which you have directed against the policy of my Government, and some of my Ministers. All I must say is that whatever steps have been taken from time to time were decided upon after deliberation and discussion amongst the Ministers and were adopted in view of peace and security, according as the circumstances of the time seemed to demand. The conciliatory measures that my Government have adopted are intended to bring about peace and goodwill which you yourselves have at heart.

I regret you do not consider yourself to be in a position to present immediately such demands as you wish to place before me. You may however do so, provided you are able to frame your proposals within such reasonable time which will be allowed to you by my Government. So far as the question of associating my people with the Government is concerned, you should place whatever representation you wish to make before the Commission which I am about to appoint for the purpose of dealing with the matter.

The other points mentioned in your Memorial will receive such consideration as they deserve.

(Sd.) HARISINGH.
MAHARAJA,
G. C. I. E., K. C. V. O., A. D. C.

SRINAGAR,
29th October 1931.

Source. Ibid

122

ADDRESS PRESENTED BY THE RAJPUTS AND HIS HIGHNESS' REPLY THERE TO

Srinagar
31st october 1931

To

HIS HIGHNESS THE MAHARAJA BAHADUR,

JAMMU AND KASHMIR STATE,

Srinagar

May it please your Highness,

With due respects and humble submission we, the representatives of the Rajput Amar Sabha, beg to bring the following for your Highness kind consideration.

The whole of Hindu India generally and Rajputs particularly expect Your Highness to be a staunch observer of the traditions of Raghuvansha and to make not departure from them like your Highness' worthy ancestors who were looked upon by them as Protectors and Defenders of the Hindu Faith.

It is not unknown to Your Highness that Jammu is the hereditary seat of Dogra Rajputs, and the other parts of the Country now under the sway of Your Highness were acquired and conquered by Your Highness' illustrious Forefathers with the help of the Rajputs and formed into the territories now known as Jammu and Kashmir State. Keeping in view the enormous sacrifices made by the Rajput Community to strengthen the Throne and uphold its Prestigr the Rajput Amar Sabha is confident that Your Highness would not so easily yield to communal dema demands tending to undermine the authority of Your Highness Crown. The Rajput Community in general offers an honest and hearty assurance to Your Highness that they do not view with any degree of alarm or are not in any way perturbed by the exhibition of the communal feelings which, in recent days has been a source of anxiety to Your Highness and that they shall at all times be prepared to support Your Highness and that they shall at a at all times be prepared to support Your Highness rule which the mischievous agitators are seeking to subvext and to sacrifice themselves with all their traditional valour in the cause of Your Highness.

It is evident from the Present situation that the Personnel constituting the Government during Your Highness absence in Europe did not work in harmonious concord probably to enforce individuality ignoring all responsibility towards Public Peace and harmony. The natural consequence was the weakening of the authority of the Government and bringing it down to the condition of helplessness.

We have come to the conclusion after making minute enquiries that Your Highness had been kept in the dark as to the real state of affairs which ultimately resulted in an open rebellion. We trust that Your Highness will take steps to prevent a recurrence of the contingency. We regret that inspite of Your Highness magnanimity culminating in general amnesty the ungrateful agitators are still at work in their criminal designs to achieve their mischievous ends.

In the end we beg to submit that formal memorial with regard to our rights and Privileges shall, if circumstances require it, be submitted to Your Highness later on.

We beg to remain,

Your Highness,

Your Highness most loyal and faithful
Servants.

1. SANSAR SINGH, COLONEL - President
2. NARENDRA SINGH - Vice President
3. SUCHET SINGH - Secretary
4. RAGHUNATH SINGH
5. HARI SINGH
6. AMAR SINGH SAMYAL
7. SADHU SINGH
8. NATHA SINGH
9. SANT SINGH
10. CHHABIL SINGH
11. HAZURA SINGH.

SRINAGAR

October 31,1931

Source : Address presented by the Rajputs and His Highness
Reply there to Srinagar 31st Oct 1931
(Govt. publication)

22 A-63.

19

To B. J. Galancy

STATE BUDDHISTS REPRESENTATION

DATED

1ST MAGHAR 1988.

SRINAGAR,
30TH NOVEMBER 1931.

B. J. Galancy

p-64

(Extract)

To

B. J. GLANCY ESQUIRE, I. C. S., C. S. I., ETC.,

SPECIAL MINISTER,

HIS HIGHNESS' GOVERNMENT, JAMMU & KASHMIR,

Srinagar.

SIR,

As desired by you verbally during your interview on 13th November 1931, we respectfully beg to place before you the extremely deplorable condition to which the Buddhists of Ladakh have been reduced as a result of various circumstances and to suggest measures to remedy the same, measures which in order to effectively save this important section of His Highness' subjects from annihilation should be immediately enforced by the Government:—

1. Handicaps—

The establishment of Primary Schools in this District dates from 20 years back but these institutions were not designed to benefit the Buddhists as is evident from the following facts:—

(*a*). The medium of instruction is urdu which is a foreign tongue to them. Their mother tongue is Tibetian and text books in this language for all school subjects have been and are being printed, published and used in various places. The medium of instruction for schools for Buddhist boys ought to be Tebetian, if the purpose of such schools is to be accomplished.

(*b*). For muslim education special officers have been appointed by the Government, but for the Buddhists—admittedly the most backward community in the State—there are no such provisions.

(*c*). The Buddhi teachers (teachers of Tibetan) appointed by the Government are not carefully selected and generally they are unfit for their work. Fit persons can easily be brought from outside, if not available among the natives.

(*d*). No close scholerships and free distribution of books etc, have been sanctioned for the Buddhists, as for the Muslims and Sikhs although these communities are not educationally as backward as the Buddhists.

(*e*). That the educational efforts of the State as far as the Buddhists are concerned have ended in a miserable failure is evident from the startling facts revealed by the present Census in this connection. There are only six Buddhists who can read and write English and 83 who can read and write Urdu (out of about 40 thousand). The Government has made no serious attempt to popularise education amongst them.

II. Their backwardness in education has led to their economic exploitation and to their being deprived of their share in the Public services. Only a negligible number of Buddhists have so far been employed as extremely low-paid clerks or Primary school teachers; menial work of the hardest and least lucrative type is their only means of securing a starvation wage. This will be evident from the reprint of an article in the "New Burma, Rangoon" which we enclose herewith for your kind perusal.

III. While all sects and communities in the State *viz.* the Muslims, the Hindus, the Sikhs, the Christians and the Zorastrians have been granted lands in the Chief towns of the State for the erection of Shrines and for other religious purposes, Buddhists have not so far been provided with any such facilities for their religious needs.

To call these helpless people Dumb-Driven-Cattle would be no exaggeration. There is no organization to represent them and that is why their grievances have remained unventilated.

Remedies:—

Without discussing the concessions, the Government has made to other communities, we beg leave to suggest the following measures to ameliorate the condition of this neglected section (Kashmir Buddhists) of His Highness' subjects:—

1. Education should be popularised among the Buddhists by (*a*) the free distribution of books etc, (*b*) grant of special scholarships, (*c*) Magic lantern lectures delivered by a properly qualified Buddhist, (*d*) the medium of Instruction should be Tibetan, their mother language.
2. Steps should be taken to educate the Lamas—the priest class.
3. The Buddhi teachers so far employed have been generally unfit for their work. The Buddhi teachers should be carefully selected and for some time may be imported from outside Kashmir. They should be men, who besides having a mastery of the language can teach the pupils not only to repeat sacred formulas by rote but make them understand the real meaning of the Buddhist Scripture.
4. Special educational officers for Buddhist education should be appointed and imported from outside, if no local Buddhists be available for such posts.
5. Special scholarships for Buddhist boys who carry on their studies beyond the Middle standard should be sanctioned.
6. The share of the Buddhists in scholarships for Higher training in India or outside should be sanctioned.
7. The Buddhists must be gauranteed an adequate share in the services.
8. Their representation in the future Government of the country must be adequate.

9. Loans should be advanced to them by the Government to encourage commercial and industrial enterprise among them.

10. The Government should encourage the Ladakh Buddhists to settle in the Valley and other fertile places so that they may be able to grow, as the country now, solely inhabited by them, is barren and rocky and far less fertile than other parts of the State which is responsible for such destructive customs among them, as Polyandry etc., etc., which is the chief cause of the arrest of their growth.

11. Buddhist Monuments and places of worship in the State as also religious endowments should be protected by the Statute.

12. A piece of land for the building of a vihara in Srinagar (and other chief towns of the State) for religious purposes and for providing lodgings for the Buddhist visitors of Ladakh and other Buddhist tourists and visitors to Srinagar should be granted forthwith and an adequate sum sanctioned out of the Darmartha funds and other sources in-aid of the construction.

13. A committee with an adequate proportion of Buddhist members should be immediately appointed to further investigate the causes of their backwardness etc., and to suggest any other remedies for the amelioration of their condition.

We fervently hope that the Commission which we are glad is to be presided over by you and in which we have the fullest confidence will compensate this important minority of His Highness' subjects for having so far been deprived of its due share in the beneficent provisions made for the encouragement of the other communities, by moving the Government to enforce the measures suggested above immediately and thus fulfil the great hopes which the entire Buddhist world centres in the magnanimity and sense of justice of our Noble-Ruler.

We beg to remain,
Sir,
Your most obedient servants.

1. SANAM NARBU.
2. SHRIDHAR BUT.
3. SHRIDAR KOUL.
4. S. N. DHAR.

Representatives of Kashmir Buddhists,
Srinagar.

Dated 1st Maghar 1988.

Source: The State Buddhist Representation 1st Maghar, 1999 (30th Nov. 1931) Srinagar (Govt. publication)

p-67

(Extract)

Copy of an Article Published In New Burma (Rangoon)
Sunday October 4, 1931.

Buddhism in North India Ladakh (Western Tibet.)

——:-0-:——

We have been asked by the Religious Tract Society of Thaton to publish the following:—

The district of Ladakh is geographically a part of Tibet but politically it forms the North Eastern frontier of the Jammu and Kashmir State.

The geographical, social and religious characteristics met with here are as in the more easterly parts of Tibetan-Tibet.

The population mainly consists of Buddhists who number about thirty eight thousand. The people are extremly poor, ignorant, dirty and superstitious, but to their credit, we can safely assert that they are highly honest, simple and innocent of all criminal tendencies. In the extreme winters that characterise this land, they cannot afford sufficient clothing to keep themselves warm against the biting cold. They are generally clad in one dirty cotton shirt, a loose unlined woollen overcoat and unlined woollen trousers. For their head-dress, they use a coarse woollen or fur cap. Their food mainly, consists of 'Suttoo' and 'Chang'. Suttoo is the floor ground from the fried local barley of very low food-value and Chang is the dirty and dilute country-liquor extracted in a very crude fashion from the country barley. A concoction of tea leaves mixed with a little salt and butter is their usual drink. Rice, bread or mutton is a luxury almost unknown to them. In places remote from the main road, the flesh of a dead horse is a welcome feast to these hungry beings. While in attendance on the travellers and the tourists, the coolies and the carriers who are generally Buddhists—consider themselves very lucky to feast on the remains of the bread or rice served to their masters. It sickens one to see the depth of misery to which these gentle and honest folk have sunk. As a rule, the Buddhists do not enjoy any official positions except a petty clerkship here or a petty teachership there. The State has opened a few schools at some road-side stations but they are of no positive good to the Buddhist population.

The medium of instruction has been throughout in all forms Urdu—a language as foreign to them as Greek is to the Indians. Their own language, Tibetan, which commands a considerable secular, religious and philosophic literature, occupies a very subordinate and mean position in the schools. Be it said to the credit of the Christian Missions, in their two schools they impart instruction in Tibetan and hold the services in the Churches in Tibetan. The State schools through their aggressive Muslim Head-teachers, minister to the religious needs of the Muslims. Facilities are offered for the Quranic teaching in the schools. Close scholarships are reserved for Muslims alone while Tibetan education is allowed to remain in a state of disorganised chaos. The subordinate nominal Buddhist (Tibetan) teachers appointed in some schools are as ignorant of Tibetan and Urdu as the pupils whom they are supposed to teach and as such they are not able to safeguard the interest of Buddhist people

P-68

against the aggressive, better educated Muslim Head-teachers.

Lack as they do in initiative and enterprise, the Buddhists have no hand in the Central Asian and Indian trade which has been monopolised by the Muslims and other non-Buddhists. The Buddhists are simply hewers of wood and drawers of water. They cannot take to arts or crafts as they cannot flourish in this primitive land.

The Buddhists are very superstitious and dirty and the so-called Lamas and Lamis and the laity know very little of the noble teachings of Lord Buddha or the holy Sangha. The practical religion followed in the monasteries (Gunpa) is an admixture of Bon and Tantric systems plus a good deal of ceremonial Buddhism. The Lamas never bestir themselves to preach to their folk or lead their followers to social or economic uplift. The heads of the monasteries roll in luxury and enjoy the spiritual isolation which differentiates them from the common people. They exploit the ignorance of their pious followers and live on the offerings made by them in good faith.

To avoid partition of the agricultural land into unprofitable holdings of very small size, the land among the Buddhist agriculturists passes in inheritance to the eldest son alone. He is responsible to maintain his younger brothers provided that they do not take separate life-mates for themselves. This has led to the custom of polyandry among them and to their consequent moral degeneration.

Due to poverty, ignorance and moral degeneration, the Buddhists lack all initiative and capacity for organisation. They are quite inarticulate and fall easy victims to Muslim and Christian proselytisation which is making heavy inroads in this part of Tibet.

The Buddhists have no voice in the Government and have no agency local or non-local to ventilate their grievances or to back them up. Under such circumstances, the inarticulate Buddhists suffer grave economic and religious distress. The seriousness of the situation calls for prompt and immediate attention of the Buddhists in all parts of the world in general and the Kashmir Government, in particular. To afford relief to the Ladakh Buddhists, the following measures may be taken in hand without any loss of time:—

By the Buddhist Associations, Missions and institutions in other parts of the world *i. e.* Burma, India, Ceylon, Siam, Japan, China, Tibet, and Cambodia etc:—

(*a*) The Establishment of a lawful and active Mission at Ladakh by the I. B. M., and R. T. S., Thaton, Burma:—

1. To preach Buddist Dharma in Tibetan in all parts of the District.
2. To establish schools at important centres for secular and religious education.
3. To rouse Head Lamas to activity.

4. To pave way for social reform etc.

5. To get in touch with the Ladakhi Buddhists and to take interest in their economic emancipation.

(*b*) Arrangements to be made for the free education of the Ladakh Buddhists in the learned professions in India or the foreign countries.

II. By the Kashmir Government :—

(*a.*) Reservation of close Buddhist scholarships.

(*b.*) Deputation of Buddhist students for higher education [High Schools and Colleges] and professional studies on State expense as it has been doing for the Kashmir Muslims.

(*c.*) Temporary appointment of outside Buddhist educational officers in the Ladakh district.

(*d.*) All things being equal, preference in services to be given to Buddhists in the Ladakh district.

Copy forwarded to B. J. Glancy Esquire, I. C. S., C. S. I., etc. Special Minister, His Highness' Government, Jammu and Kashmir, Srinagar for favour of immediate attention, consideration and necessary action. The Buddhists all over the world watch that the inarticulate loyal Buddhists of Kashmir are not sacrificed at the alter of political ex-agencies and that their interests are safeguarded and that minority protection is extended to them as they can demand from every civilized Government or constitution.

The article mirrors the extremely abject and degraded condition of the Buddhists of Kashmir may move him to secure a just treatment for this long suffering community.

Published by
SHRIDHAR BHATT
Secretary Kashmir—Raj Buddhists Maha Sabha Srinagar.

Source New Burma (Rangoon) Magzene ~~oct 24th~~

24th oct. 1931

23

P-70

REPRESENTATION OF SANATAN DHARAM YOUNGMEN'S ASSOCIATION, SRINAGAR, TO THE PRIME MINISTER AND HIS REPLY THERETO.

(Extract)

* * *

SRINAGAR,
The 6th September 1931.

P.M.

To THE PRIME MINISTER,
HIS HIGHNESS' GOVERNMENT,
JAMMU AND KASHMIR,
SRINAGAR.

SIR,

With reference to the interview that you so kindly gave yesterday to me and my colleague Kashapbandhu as representatives of the Sanatana Dharma Youngmen's Association, I beg to State as follows:—

The position of the younger generation of Kashmiri Hindus with regard to the situation that has developed after the events of 13th July is indicated in the statement that was presented to the Riots Enquiry Committee on behalf of the Sanatana Dharma Youngmen's Association. The Association claims to represent and serve the interests of the whole Kashmiri Hindu community of Kashmir. Although the membership is restricted to youngmen, the Association is the chief nucleus for Kashmir Hindu workers in the city and has enjoyed the confidence of the older members of our community and also of non-Kashmiri Hindus, as is evident from the generous response made to our appeal for funds for Vicharnag Relief and the huge audiences that have gathered at our meetings. The outbreak of 13th July, 1931, stirred the Hindu community to its very depth. It was this Association that directed into healthy channels, the energy of our youngmen, many of whom had been driven to desperation and might have added to the difficulties of the situation. The activities of the Association were all directed towards co-operation with the Government in bringing about peaceful conditions. The Association checked the spread of wild rumours which always work havoc where disturbed conditions exist. The Association organized relief for starving and naked sufferers. The Association responded to the call of the Committee of Enquiry and engaged itself in collecting evidence for that Committee. But when Mr. Abdulla and other internees were released, the Association found itself in a difficult position, and the feeling of the members ran so high that it was decided to organize protests. But on the friendly remonstrances of some of our elders who pointed out that we should only be embarrassing the Government by such activities we decided to wait. We were told that the

P-72

Government had even before 20th July committed itself to release the internees, that it would as it had declared bring all delinquents to Justice and that all anti-Government and anti-Hindu speeches would be stopped. We were told that we should be patient, that the Government would deal severely with those who were fomenting mischief again and that the silence of the Hindus would not be misunderstood. But far from fulfilling the undertaking, they had given before their release, the internees held numerous meetings in which open challenges were thrown before the Government and the "*Ahli-Baradaran-i-Watan*". This went on for weeks. The more ardent spirits became restive and demanded strong protest. It cost us much effort to control the impatience of some of our members. But when on the top of this came the settlement with those very people who are believed to have fomented the riots, the situation was aggravated. An association like ours which claims to represent the public cannot detach itself from the thoughts and feelings of the public. It can to a certain extent curb, educate and guide its constituents. But it cannot do more. It cannot fly in the face of a whole community of intelligent and educated men. The least that the Sanatana Dharma Youngmen's Association could do in the circumstances was to express itself strongly against the settlement. The Urdu text in which "Sharait" serves for both "undertakings" and "concessions" looked like a treaty between two "High Contracting Parties".

The Government is no doubt aware that the Hindu public feels aggrieved over the provisional settlement with the Mohammedans having been entered into without the Hindus who were the sufferers being a party to it. The history of the last decade justifies this apprehension of the Hindus. It may be deplorable, but it is a fact that the impression is widespread in Hindu Kashmir that the Government has in the past acted as if the interests of the Hindus could be sacrificed to the interests of the Mohammedans. It has bowed several times to the unjustifiable clamour of the Mohammedans evidently to escape the reproach of being a Hindu Government. That the Hindus have been treated unfairly in the matter of recruitment to public offices, for which instances may be gathered from the statement presented by the Association to the Riots Enquiry Committee. This being the case, the apprehensions of the Hindu public were natural, especially as the provisional settlement makes mention of a larger settlement regarding Muslim demands to follow.

It need hardly be added that we stand steadfastly for loyalty to His Highness and nothing is farther from our intentions than a desire to embarrass the Government. The prestige of the administration is the best guarantee for our safety and well-being. Kashmiri Pandits would have considered it a privilege to join the deputation of the Hindus that waited on His Highness the other day, but the statement presented by the Hindu Sahayak Sabha which had organized the deputation did not in some respects represent our views. As early as 21st of July, the Association applied to His Highness to be pleased to receive its deputation, and should His Highness be pleased to grant their request they will feel honoured to avail of His Highness' graciousness. We venture to think that in the meantime the Kashmiri Hindu public would feel greatly re-assured by a declaration from the authorities that the non-inclusion of Hindus in the recent settlement does not imply that Hindu interests are not constantly present in their minds, and that there will be no adjustment of communal "claims" in any sphere, whatsoever, without Kashmiri Hindus being given equal opportunity with other classes of His Highness' subjects to present their claims, and such claims receiving the consideration they deserve. The Association would be grateful for such a declaration.

Yours obediently,
PREM NATH BAZAZ,
PRESIDENT,
Sanatan Dharm Youngmen's Association,
Srinagar

Srinagar,
The 5th September 1931.

Source: Representation of Sanatan Dharam Youngmen's Association ~~and~~ to Prime Minister and his reply thereto. Srinagar the 6th Sept. 1931 (Govt. publication)

HIS HIGHNESS' GOVERNMENT, JAMMU AND KASHMIR.

FROM

THE ASSISTANT SECRETARY TO
THE PRIME MINISTER,
Srinagar.

TO

PANDIT PREM NATH BAZAZ, PRESIDENT,
SANATAN DHARAM YOUNGMEN'S ASSOCIATION,
Srinagar.

No. 437-C., dated 6th September 1931.

SIR,

I am directed by the Prime Minister to acknowledge receipt of your letter dated yesterday and to reply as follows:—

> It is unnecessary to make any observations as regards the history of your activities or your pretentions except to point out that the claim of Kashmiri Pandit Youngmen's Association to represent all the Hindus of the State or of Kashmir is to say the least of it a tall presumption and that their expectation of being allowed to dictate the policy of Government is equally preposterous. Your contention that the Kashmiri Pandits abstained from joining the deputation of Hindus because the statement presented by the Hindu Sahayak Sabha which had organized the deputation did not represent your views is not in accordance with facts. The advance copy of the memorial which was given to the Prime Minister by one of the signatories contained the signatures of four Kashmiri Pandits of standing, one of them being Pesident of the Sanatan Dharam Sabha, Kashmir, and no information was received on behalf of any Kashmiri Pandit that the memorial was not in accordance with the views of that community. Indeed the reply which was given by His Highness to the deputation was intended not only equally for all classes of Hindus but in some respects was intended principally for Kashmiri Pandits. The

P-75

Prime Minister is very sorry that owing to some misunderstanding you should have abstained from presenting yourself to His Highness with the deputation but I am afraid it is too late now to mend the mistake and you must wait for another opportunity when the Hindu subjects may have occasion to appear again before His Highness.

The Prime Minister regrets that he is unable to accept your position that there was any justification for consulting the Hindu public in connection with the provisional settlement with the Muslims to which the Hindus could not be a party by any stretch of imagination. That the interests of the Hindu public are as much near His Highness' heart as those of any other class of his subjects would be obvious from the reply which His Highness gave to the Hindu deputation particularly where His Highness said "and you have no cause to fear that the policy now being pursued by my Government will in any way unjustly affect your interests".

The question of claims and demands has not arisen yet and the assurance which you want has already been given to you in the last paragraph of His Highness' reply to the Hindus in the following words :—

> "I am prepared at all times to receive legitimate requests or representations from my people and to meet their needs as far as is admissible in the interest of peaceful and healthy progress of my subjects as a whole......... and I shall be prepared to receive any such representation which you may wish to make in the future".

I have the honour to be,

Sir,

Your most obedient servant,

BISHAMBER NATH,

ASSISTANT SECRETARY TO

Prime Minister.

Source. Ibid.

(24)

12 oct, 1935

p-76

u-
er-
ets
the
of

MEMORIAL

SUBMITTED TO

His Highness the Maharaja Bahadur,
JAMMU & KASHMIR.

——o——

BY

**All Jammu & Kashmir
Domiciled State Subjects**

Published by:

SHAIKH ABDUL HAMEED
General Secretary

's Artistic Press, 1st Bridge, Srinagar, Kashmir

P-77

To

His Highness the Maharaja Bahadur,
JAMMU & KASHMIR.
SRINAGAR.

MAY IT PLEASE YOUR HIGHNESS,

Your Highness' humble petitioners beg leave to present this memorial to Your Highness on behalf of the domiciled subjects of Your Highness with the earnest hope that in view of Your Highness' high ideals of justice and solicitude for the good and prosperity of Your Highness' beloved subjects Your Highness will be pleased to give it your gracious and sympathetic consideration.

Your Highness is not unaware of the fact that before the Jammu and Kashmir State passed into the hands of Your Highness' illustrious ancestors, the condition of the land was deplorable. There was no organised form of government in the country. Education was as its lowest ebb. Trade and industry were practically nonexistent. There were no means of communication worth the name, and the poor agriculturist was bidding farewell to his native land to seek his livelihood abroad.

To mitigate these evils Your Highness' illustrious ancestors invited able and efficient men from outside the State, to assist them in the administran of the State. The new comers were given d. They were encouraged to take up service and er into business, and allowed to carry on their fession along with the original inhabitants of the ate. They were given full rights of citizenship nd no distinctions were made between them, and the original inhabitants in the matter of various privileges of citizenship.

This long and continuous line of immigrants, through three generations of Your Highness' illustrious ancestors, left their former abodes to make the State their home, their hope and their heaven.

As a result of the statesmanlike efforts of Your Highness' illustrious forefathers, the Kashmir State can now vie with British India for the excellence of its administration. A bold and courageous educational policy has resulted in the dissemination of knowledge and learning among the people of the State. Extension in trade has reached such a high pitch that income from the Customs Department alone is more than half a crore of rupees which is considerably higher than the total revenue of the State in former times. Magnificient buildings worth crores of rupees have sprung up in the important towns, and the standard of living of the man in the street has become distinctly higher. The agriculturist is happy and the labourer contented. Means of communications have been immensely improved and every year the influx of thousands of visitors in the State brings with it a greater prosperity to the people, and larger revenues to the State.

In this mighty task of reformation, the ruling family has all along had the loyal assistance and the willing services and co-operation of the domiciled

community, who were regarded as a national asset a given all the rights and privileges of citizenship.

For sometime past, however, interested quart have started a propaganda against the domiciled co munity. As a result of this propaganda a definition the term State subject was framed in 1927, which limits down all the important rights and privileges of citizenship to people who settleed in the State before the commencement of Samvat 1942 (1885 A. D.), and as such it has no parallel in the history of any other country or State. The domiciled community put forward its view point before the Committee which framed this definition but evidently their view-point was ignored. They were about to put forward their case for Your Highness' consideration but the havoc caused by the floods of 1928 and 1929 A. D. and later on the political situation in the State which occupied all the time and attention of Your Highness prevented their sense of fidelity to divert Your Highness' attention from those disquieting matters.

The propaganda against the domiciled community has now been intensified to such a degree that we are being looked upon as aliens in the land and every effort is being made to deprive us of our vested interests and turn us out of the State bag and baggage. Under these circumstances we feel compelled to approach Your Highness with the following prayer for the redress of our grievances :—

1. The definition of the term State subject may graciously be so changed as to include those persons who have resided in the State for a period of ten years instead of present definition which limits those rights only to those persons who settled in the State before a certain date in the remote past. Such domicile should enable

person and his descendants to acquire the status of a fledged State subject.

er 2. The differentiation created by the present definition which divides the State subjects into various classes and which has been the cause of so much ill-feeling and friction among the people of the State may graciously be removed. The present definition has created a class of people who have lost all the rights in the country of their origin, while in the State not only the doors of state service are shut on them but their children too cannot enter the legal profession or earn a scholarship of merit. No restrictions were imposed when they filed Ryatnamas but now they are regarded as almost aliens.

3. The reconsideration of State subject certificate already issued which is still more widening the gulf between the various classes of Your Highness' subjects, may graciously be ordered to be stopped.

The present definition denaturalised a class of persions who had acquired all the rights of citizenship by enactment of 1912 A. D. These people had been assured by this enactment no less than by the procedure of Your Highness' illustrious predecessors that their rights and the rights of future generations would be secure in the land they had adopted as their home. To deprive them of these rights willingly bestowed, and loyally acquired, is not in keeping with justice or equity. It is in fact opposed to established canons of justice, in as much as under the International Law, a naturalised subject cannot be denaturalised except for grave political offence.

Your Highness is aware of the fact that millions of people from the Kashmir State have settled in the Punjab and in many other parts of British India, where they are in every way treated exactly like the original inhabitants of those places. They occupy positions of eminence in their respective professions, be it trade, agriculture, or Government business. They have more than their due share of the Government services and some of them are occupying posts of highest respnosibility. No restrictions are laid to hinder them from developing their interests to the fullest extent in any walk of life. In the new India Bill the States people have equal rights with British Indians to occupy positions of eminence in British Indian Government. Where it is the intention of the Imperial Government to vest all the Indian-British or State subjects - with the same rights and privileges, it is only in the fitness of things that the State should also vest the domiciled community with similar privileges.

To divide the people into different classes, which to all intents and purposes are hostile camps, and withdraw from some classes certain important privileges, is not only unfair but a perpetual source of political danger. One can very well imagine neighbours living in the State for ten thousand years and some of them not getting privileges of Government service or agricultural land, because they settled in the State just after Samvat 1942. The anomaly of this is too evident to need further elucidation.

The present definition of the term State subject has been severely criticised in quarters most qualified to judge. The two Commissions appointed by Your Highness have condemned it in un-equivocal terms. The Dalal Commission presided over by the eminent Chief Justice Sir B. J. Dalal severely criticised it and recommended its modification and reconciliation of classes. This report was highly appreciated by Your Highness but no action was taken on this particular recommendation.

In the end we respectfully thank Your Highness for granting Your Highnees' humble petitioners this opportunity for ventilating their grivences and we assure Your Highness of our loyalty and gratitude to Your Highness' person and Your Highness' Government and our solicitude for the good of the State.

We beg to remain,
Your Highness'
Loyal and faithful subjects,

Srinagar
12th October,
1935.

Abdul Hamid Genl. Secy

Members, Working Committee
All Jammu & Kashmir
Domiciled Community Defence Committee.

Source :- Memorial
Submitted to His Highness
The Maharaja Bahadur
Jammu & Kashmir
published by Shaikh Abdul Hameed
General secretary
Srinagar 12th oct. 1935.

Bhoga's Artistic Press, 1st Bridge, Srinagar, Kashmir.

(25) P-83

The recommendations of B.G. Glancy commission appointed by H.H. Maharaja's ~~on 12th~~ proclamation of 12th Nov. 1931 to look into the grievances of various sections of the people, particularly those of Muslims because it were they who had serious complaints against the Govt: —

(Source: Saraf, Mohammad Yusuf
Kashmir's Fight For
Freedom, Vol. I op. cit
PP

place of Hari Kishan Kaul on 22nd March, 1932. After detailing the Muslim grievances and quoting facts and figures officially placed before it, which have been already mentioned elsewhere in the book, the Commission made the following recommendations :

1. Muslim religious shrines, Khanqah Sokhta, Khanqah Bulbul Shah, Khanqah Dara Shikoh (Srinagar), Maishahi Bagh Mosque (Gandarbal), Khanqah Sufi Shah (Jammu city), Bahu Mosque (Bahu) and the Srinagar Eidgah be restored to Muslims.
2. Complete religious liberty should be enjoyed by every class and community.
3. Malikana to the State should be remitted. Proprietary rights in respect of all lands of which ownership is retained by the State (Kashmir Valley and Mirpur tehsil) should be granted to the occupancy tenants.
4. A special Inspector for Mohammaden education should be appointed. Recommendations of Mr. Sharp should be implemented and number of Muslim teachers should be increased.
5. All communities should receive a fair share in Government appointments. All vacancies should be properly advertised. In the case of local appointments, inhabitants of the district concerned should be appointed.

   The Commission also laid down the minimum qualifications for appointment to various branches of administration.
6. The grazing tax should be suspended in certain specified areas while in other places it should be ensured that it is not pressed too heavily.
7. Nautor areas (revenue outstandings on account of land newly brought under cultivation) in Mirpur tehsil should be written off.
8. The rights of agriculturists should not be impaired by privileges conferred on other classes.
9. All unauthorised exactions should be stopped. There should be decentralisation of power so that Ministers and Heads of Departments can function properly.
10. Payment according to proper rates should be made in connection with whatever labour is requisitioned for State purposes.
11. Villagers should receive full benefit of forest concessions especially in regard to fuel and timber for buildings.
12. Industrial development should receive urgent attention of the Government.

The Commission also recommended the abolition of marriage-tax, reduction in meatless days and a host of other measures relating to improvements in various departments.

The non-official members could not agree on certain points and, therefore, three notes of dissent formed part of the report. The first note was jointly attached by Chaudhri Ghulam Abbas Khan and Khawaja Ghulam Ahmed Ashai, demanding:

1. Abolition of disabilities imposed on converts to Islam from Hinduism. Mr. Glancy had not been able to agree to the Muslim point of view and had in his report just confused the issue.
2. Restrictions on the licensing of arms in Kashmir valley and Frontier districts should be removed.
3. The Rajput Training School, Jammu, should either be abolished or its admission thrown open to all sections of the population.

Pandit Prem Nath Bazaz also appended a note of dissent. It should be said to his lasting credit that his conduct was extremely honourable. There is no doubt that no other Pandit leader could have supported the just demands of Muslims because it correspondingly meant a diminution in the sphere of influence of his community. There is no doubt that the recommendations of the Commission would not have been what they were but for his courage and liberal mindedness. For his contribution, he holds a permanent place of honour in the hearts of Muslims who had, on many an occasion in later years, the opportunity of repaying, in some small measure, the debt of gratitude that we owe him. In his dissenting note, Mr. Bazaz recommended that the Srinagar Eidgah which was being made over to Muslims, should continue to remain available to all the communities as pasture and recreation ground, as in the past.

Chaudhri Ghulam Abbas also appended a separate note on certain issues, the most important among them being the grant of proprietary rights and assessment of land revenue. Chaudhri Sahib told this writer, while we were together in Montgomery jail, that a note had originally been written by Babu Mohammad Abdullah, the father

1932

ORDERS ON THE RECOMMENDATIONS CONTAINED IN THE GLANCY COMMISSION'S REPORT.

The Commission presided over by Mr. Glancy, which was appointed under the order, dated 11th November 1931, by His Highness the Maharaja Bahadur have now presented their report.

His Highness has been pleased to command that his thanks should be conveyed to Mr. Glancy and the Members of the Commission for the painstaking care and thoroughness with which they have conducted their labours. The report is an impartial, exhaustive, logical and lucid exposition of all the matters considered by the Commission under their terms of reference.

His Highness has been graciously pleased to accept the recommendations contained in the main report and to order that steps shall be taken to implement them at the earliest possible moment. The orders below are issued with this end in view :—

ORDERS.

I. RELIGIOUS.

Restoration of sacred buildings etc.

His Highness the Maharaja Bahadur is pleased to command that the recommendations of the Commission in respect to the restoration of sacred buildings etc., should be strictly carried out. The Governors of Jammu and Kashmir will be responsible for seeing that the necessary action is taken.

The Madin Sahib Shrine at Srinagar should be handed over as soon as the representatives of the Muslim community notify their wishes, duly endorsed by the Anjuman Islamia on behalf of the Shia community as to the authority to be given charge thereof.

Similarly the area known as the "Idgah ground" of Srinagar should be made over to the Muslim representatives as soon as they provide a written undertaking that the rights enjoyed by the public in regard to grazing, recreation etc., will be duly respected.

The Khanqa Sufi Shah at Jammu and the Bahu Mosque should be restored as soon as practicable to the Muslim community.

The Khanqa at Shahdana in the Jammu Province should be entrusted to purely Muslim management.

All other mosques, temple-precincts etc., should be treated in accordance with the declared policy of His Highness' Government as soon as detailed information in respect to them is available.

Where it can be shown that any sacred building etc., has been wrongly transferred by the State to a third party, the property in question should be handed over to the rightful claimant, and such claimant should not be called upon to pay compensation to the party now in possession. If any compensation is decreed by the Civil Court, the State will arrange for the payment thereof.

p-87

The Governor of Kashmir should submit a report as to the settlement effected between the Hindu and Muslim communities in respect to the Shah Hamdan Mosque and the Maha Kali Shrine, and should show whether there is any sufficient reason for modifying the settlement in question.

Applications for the allotment of waste land for the construction of Viharas, Mosques, Churches etc., should receive favourable consideration in all cases in which this is practicable.

Interference with religious observances etc.

Any complaint of interference with the calling of "Azan" should be carefully investigated, and, where the offence is established, it should be effecively suppressed and the offender punished.

Any attempt on the part of the Police or any other officials or non-officials to harass those who have changed, or intend to change, their religion should be sternly discouraged, and those responsible should be dealt with severely.

Insults to Religion.

All officers concerned should make it their duty to see that the severest notice is taken of any provocative action of this nature, irrespective of the community to which the delinquent belongs.

The High Court of Judicature should enjoin on all Subordinate Courts the necessity, of awarding, in all cases where proof is established, a punishment sufficient to bring home to offenders the gravity of their offence.

His Highness the Maharaja Bahadur most earnestly trusts that the leaders of all communities will, as suggested by the Commission, do their utmost to impress on their followers the necessity of respecting the feelings of others in this matter.

II. EDUCATION.

The Department concerned should submit proposal for the fulfilment of the Commission's recommendations in all respects.

In particular the Department should devote its attention to the expansion of Primary Education. A definite programme should be prepared and kept up to date; it should be accompained by a map illustrating the progress already effected and the development contemplated in the course of the next three years. A programme for the construction of School buildings should also be drawn up, and the Department should report whether there is any objection to the immediate adoption of Commission's proposal that lumpsum grants should be allotted to villagers for the building of schools.

Steps should be taken to increase the number of Mullahs or Arabic teachers and the unnecessary transfer of Mullahs, as in the case of all village teachers, should be avoided.

Instruction in Shikasta writing and in the reading of Patwari's papers should form part of the curriculum of Primary Schools. The Department should see that the education imported in village schools is such as to equip the pupils for their normal occupation. Revenue officials should take an interest in the Primary Schools situated within p.88

their charges, and should encourage Zaildars and Numberdars to do the same.

The Department should also draw up a programme in regard to Middle and High Schools and further expansion in this direction should take place when funds permit.

The Governor of Jammu should report whether there is any objection to the allotment of the Gandoo di Chawani site for the construction of the Islamia High School. Should any such objection exist an alternative site should be suggested.

Care should be taken to see that admission to Science classes in Schools and Colleges is impartially regulated so as to cater for the legitimate interests of all communities.

Special Mohammedan Scholarships should be equated in value with merit scholarships and effect should be given to the Commission's proposals in the matter of free studentships, orphanage scholarships etc.

The training of teachers should receive attention as recommended, and the question of assisting aided schools in this matter should be given consideration. For teachers in Primary Schools a "Middle pass" should be regarded as a sufficient qualification.

In the matter of Technical education, action should be taken on the lines indicated in the Commission's report. The question whether a change of management is desirable in regard to the Srinagar Technical Institute should be examined without delay.

The recommendations put forward as regards teacheresses in Girls' Schools, the medium of instruction and arrangements for Purdah should be carried out.

The proportion of Muslims employed as teachers, Inspectors and clerks in the Education Department Secretariat should be increased as soon as possible. A Special Inspector for the promotion of Mohammedan Education should be appointed and should work independently of Provincial Inspectors.

The Commission's proposals in respect to the revision of pay when funds permit, oriental learning, the supply of periodicals and frontier education are approved. The allotment of increased funds for frontier scholarships should be provided as soon as practicable and Bodhi textbooks should be supplied, where they are required, in Ladakh.

III. SERVICES.

The proposal of the Commission in regard to the minimum qualifications to be required for various classes of appointments are approved, and action will be taken accordingly.

As regards the publication of vacancies, the procedure recommended by the Commission should be strictly followed and Ministers and Heads of Departments should make it their business to see that there is no deviation therefrom. In the case of Srinagar and Jammu, notices should be posted up at the Shergarhi Building and at the Mandi Mubarik respectively: notices for posting in these places should be sent by Departments concerned to the Governor of Kashmir or Jammu as the case may be. Wazirs and Tehsildars will be in charge of notice-boards at Wazarat and Tehsil head quarters respectively.

P89

His Highness is also pleased to approve of the Commission's proposals in respect to powers of appointment. Ministers should send in their recommendations without delay as to the Heads of Departments in whose case the power of appointment should extend to all non-gazetted officers and those in whose case such authority should be limited to posts carrying a salary not exceeding Rs. 100 per month. In the case of the Public Works, Customs and Press Departments, the Departmental Heads should be called on to explain the present unsatisfactory state of affairs and to show cause why the power of appointment should not be withheld and vested in the Minister concerned.

The submission of six monthly returns should continue regularly on the lines indicated by the Commission and a yearly statement giving the composition of all State Departments should be published as recommended.

The procedure in regard to direct appointments should be regulated in accordance with the suggestions put forward by the Commission.

In the matter of local appointments the recommendations made meet with the full approval of His Highness and should henceforward be adopted. It is clearly in the interests both of good government and of the subjects of the State that local inhabitants should be selected, as far as possible, for such posts as those of Patwaris, Forest Guards, Game Law Watchers etc. Ministers should see that the policy recommended in this matter is fully carried out, and Heads of the Departments should be warned that any failure to observe the prescribed procedure relating to appointments in this or any other respect will result in the withdrawal or the powers delegated.

IV. LAND REVENUE ETC.

His Highness the Maharaja Bahadur is pleased to approve the recommendation that recovery of State Malikana should be discontinued throughout the State territories, subject to the conditions which the Commission has proposed. In the matter of Nazrana, the Revenue Minister should put forward his proposals as to the amount to be charged; the charge recommended should be moderate in all cases. In regard to those tracts in which disturbances have recently occured a report should be submitted as soon as possible showing the extent to which normal conditions have supervened: information as to the amount of land Revenue Arrears outstanding in the case of each of the tracts affected should also be supplied. As soon as it can be shown that in any individual tract of country in which the peace has recently been disturbed a proper spirit of repentance is apparent, the concession in respect to State Malikana should be forthwith extended thereto. His Highness fully shares the hope expressed by the Commission that the moment when disturbed areas can be treated in the same manner as the rest of the State will not long be deferred. In the case of all persons who can be shown to have assisted the State authorities or afforded protection to the lives or property of those in danger, State Malikana, where it is now payable should be abolished and such persons should be exempted from all Nazrana charges.

His Highness is also graciously pleased to concur in the recommendation that Proprietary Rights should be conferred in respect to all lands of which the ownership is now held by the State and occupancy rights are enjoyed by private persons. The Revenue Minister should in the first instance examine the safeguards suggested by the Commission for the protection of the agricultural classes, and should submit his report accordingly.

P-90

In regard to Grazing tax, His Highness approves the proposal that the fixed Kahcharai demand should be forthwith suspended in the seven Tehsils, namely Jammu, Samba, Akhnur, Kathua, Jasmergarh, Mirpur and Bhimber which have been specially mentioned by the Commission in this behalf. The Revenue Minister should propose the name of an officer to be placed on special duty in this connection and to recommend (*i*) in what parts, if any, of the above Tehsils the fixed Kahcharai demand should not be permanently abolished, and (*ii*) what relief is required in other parts of the State in which the Kahcharai demand may be found to press too heavily at present.

Charges imposed in addition to the fixed Kahcharai demand in the case of "Dhars" in the Jammu Province, when such additional charges are not levied in the Kashmir Province should be discontinued. Action should be taken to define the inter-provincial boundary for the purposes of Kahcharai collections. And no Kahcharai payments should be demanded from butchers and other persons when they bring goats and sheep within the municipal limits for purposes of slaughter. The Revenue Minitser should report whether there is any sufficient reason for discriminating between different classes of herdsmen in the matter of Kahcharai charges.

Nautor outstandings in the Mirpur Tehsil now under suspension should be written off.

The rules relating to suspensions and remissions of Revenue should be strictly and carefully followed on all occasions throughout the State.

Any complaints in regard to classification of soil, measurement of land, Bachh distribution etc. should be thoroughly investigated in all cases in which it can be shown that those concerned were not afforded due opportunity of raising objections at the proper time.

The recommendations made by the Commission on complaints received from Frontier districts regarding the periodical revision of commutation rates, the amount of interest to be charged on grain-advances and the limitation of Nautor are approved and should be carried into effect.

In the matter of trees, no restriction should be imposed on the cutting of walnut trees growing on land held by agriculturists and the assessment imposed on any such tree should be cancelled when it is removed. In regard to mulberry trees preference should as far as possible be given to land-holders on whose land such trees are standing, when seed is distributed by the Sericulture Department. Power to authorise the cutting of Chenar trees, where necessity arises should be given to Tehsildars. Other minor recommendations made by the Commission in regard to trees are also approved.

So far as it relates to Chaks and Jagirs, His Highness is in entire accord with the Commission that neither in the matter of the due fulfilment of the Raj Tilak boons, nor in any way whatsoever should the interests of Zamindars suffer from the assignment of land to other persons The Revenue Minister should report whether there is any objection to the Commission's proposals being fully carried out in this respect.

In all cases in which it may be found necessary to acquire agricultural land for State purposes, those dispossessed should, where practicable,, be allotted similar land elsewhere. The amendments suggested in order to bring the State legislation into conformity in certain respects with the Punjab Land Alienation Act should be examined by the Revenue Minister and recommendations should be submitted.

The development of the Co-operative Credit System and further progress in the matter of Consolidation of Holdings should receive the special attention of the Minister-in-Charge.

D-91

V. MISCELLANEOUS.

Corruption.

Every endeavour should be made to put an end to irregular exactions. It is to be hoped that the due delegation of authority will afford more leisure to Ministers and Heads of Departments to supervise the work of their subordinates. Inspections and supervision should be as careful and constant as possible. All officers should be warned that corrupt practices are not to be tolerated and examplary punishment should be awarded to any who can be proved to have offended in this respect.

Kar-i-Sarkar.

All officers must make it their duty to see that payment is made in full for services rendered. As circumstances permit the "Ras" system on the Frontier should be replaced by the appointment of contractors. The provision of free supplies should in no case be allowed, and higher officials when they go on tour should investigate any complaints that may be forthcoming.

Forests.

The recommendations made for controlling the distribution of timber to villagers should be carried into effect. All Forest Officers should interest themselves in seeing that Zamindars and others receive the full benefit of the concessions to which they are entitled.

Rakhs.

Agriculturists should be afforded every facility for protecting their crops from the depredations of wild animals. The Minister-in-Charge should report without delay what steps should be taken to secure such protection. Applications for arms licenses in this behalf should receive prompt and favourable consideration, where there is no reason to the contrary. Requests for permission to extend the cultivation on the borders of Rakhs should be given due consideration.

Customs.

The Minister-in-Charge should report without delay whether there is any objection to the recommendations of the Commission being fully carried out. It should be impressed on the Department that all claims for the payment of customs duty must be promptly presented; and failure to comply with this order should be dealt with severely.

Dharat.

Local officers should be instructed to consult the inhabitants of all townships in which Dharat is levied in regard to the purpose to which the funds realized should be devoted.

Public Works.

A regular programme for the improvement of communications, as funds permit, should be drawn up, and a map, as suggested by the Commission should be prepared.

The Minister-in-Charge should submit a report regarding the provision of a proper water supply for Chrar Sharif, the protection of villages on the bank of the Chenab from erosion, the prevention of water-logging in the Ranbirsinghpura Tehsil and the repairs of bridges in the Gilgit Wazarat.

p-92

Action in regard to contracts should be taken on the lines indicated by the Commission; the Minister-in-Charge should submit his recommendations as to the places at which tender-calls and the award of contracts should be advertised and the orders issued should be notified in the State Gazette.

Municipalities.

Improvements to Srinagar city in the matter of drainage and the widening of streets should continue to receive attention and funds should be allotted for this purpose as circumstances may permit.

The provision of a proper approach road to the Muslim Cemetery at Jammu should be duly considered.

Medical.

The Medical Department should give their consideration to the Commission's recommendation that Dais should be attached to dispensaries and proposals should be submitted accordingly.

Industries.

The Minister-in-Charge should devote his earnest attention to the development of the Textile Industry and the encouragement of fruit growing. Active steps should be taken to combat the disease known as "San Jose Scale " which has for many years been ravaging the orchards of Kashmir.

A report should also be submitted regarding Sericulture Department and the question as to whether a charge of management is desirable in Kashmir should be examined without loss of time.

In the placing of contracts for supplies every possible encouragement should be given to local manufacturers.

State Subject Certificates.

The simplifications of procedure suggested by the Commission are approved and action should be taken to give effect thereto.

Dharmarth.

A financial statement showing the condition of Dharmarth funds, should be presented without delay. Any surplus funds should be devoted, as recommended by the Commission, to the furtherance of beneficial objects compatiable with the objects of Trust, and particular attention should be paid to the establishment of Gawshalas and improved water-supplies.

The practice of recovering Dharamarth dues in kind should be replaced as soon as practicable by cash recoveries in all cases.

The orders already issued in regard to the change of the Chari connected with the pilgrimage to Amarnathji should be duly carried out.

Suthrashahi.

Any complaints of such irregular exactions should be thoroughly investigated and the practice, if it is still found to survive, should be effectively suppressed.

p-93

Prohibition of slaughter on certain days.

The recommendations of the Commission are approved and should be carried into effect. The Governors of Province should put up their proposals in regard to any places in which the sale of meat etc. is repugnant to religious feelings, and orders respecting such places should be duly notified.

Butchers' shops will be closed entirely only on the following four days:—

(*a*) Ram Navmi

(*b*) Janam Ashtmi.

(*c*) His Highness the Maharaja Bahadur's Birthday.

(*d*) Birthday of the Heir Apparent.

The existing exemptions in this respect in favour of certain classes will be cancelled.

No fees should be charged for the slaughter of goats etc. on the occasion of the Id-ul-Zuha or any other occasions on which such slaughter may be required for the purpose of religious observance.

Use of tanks etc.

No invidious distinction shall be permitted by the State in the case of tanks, bathing places or drinking places which are of a public nature, that is to say, tanks etc. in respect to which no exclusive or prescriptive right can be established.

Prevention of Infant Marriages.

The recommendations put forward by the Commission with a view to the prevention of harassment and abuse should be adopted, and instructions should be issued accordingly to all officers concerned.

Hanjis, Hawkers and Transport-owners.

The Commission's proposals in this matter commend themselves to His Highness and the Minister-in-Charge should report whether there is any objection to their being carried out in full. In particular information should be supplied as to the combined agency for the collection of both Ghat-tax and boat-tax, the acceptance of Lambardars' certificates for the exemption of local inhabitants from the payment of road-toll and the discontinuance of camping site tax and the levying of charges for entrance into the Nishat and Shalamar Gardens.

Press Regulation.

The enactment of a revised Press Regulation with a view to bringing the State procedure as far as practicable into conformity with British Indian legislation in this respect has been engaging the attention of His Highness' Government and orders are being issued.

By command of His Highness the Maharaja Bahadur.

JAMMU:
10th April 1932.

(Sd.) E. J. D. COLVIN,
PRIME MINISTER.

Source: Report of the Commission appointed under the order of H.H. The Maharaja Bahadur dated 12th Nov. 1931 to enquire into the grievances and complaints.
Govt. publication - Jammu. 2nd edition 1933

April 1932

REPORT

OF THE

KASHMIR CONSTITUTIONAL REFORMS CONFERENCE.

In his orders dated the 12th of November 1931, His Highness was pleased to declare that, as had already been announced, it was his intention that measures should be devised for associating his subjects with the Government of the State. It was ordered that, as soon as the Commission appointed to inquire into complaints and disabilities had finished its work, a conference, at which the various interests concerned would be represented, would meet to discuss the introduction of constitutional reforms in accordance with His Highness' intention.

The Commission appointed for the investigation of complaints and disabilities finished its sittings in the second week of March 1932, and the Constitutional Conference began its work immediately thereafter.

Under the orders of His Highness' Government the Conference consisted of the following members :—

(*a*) OFFICIALS.

1. R. B. Pandit Anant Ram, Director of Land Records.
2. M. Mohammad Ibrahim, Inspector of Schools.

(*b*) NON-OFFICIALS.

1. Col. Sansar Singh—Hindu Jagirdars.
2. Pt. Prem Nath Bazaz—Kashmiri Pandit Community.
3. L. Thakur Das—Jammu City Hindus.
4. Sardar Ladha Singh—Sikh Community.
5. Shambu Nath—Buddhist Community.
6. Lala Charanjit Lal—Khatri Hindus.
7. Raja Feroz Khan of Dopatta—Muslim Jagirdars.
8. Kh. Ghulam Ahmad Ashai—Srinagar City Muslims.
9. Ch. Ghulam Abbas—Jammu City Muslims.
10. Zaildar Safdar Ali of Kausa—Kashmir Rural.
11. Zaildar Ch. Ramzan of Jarian—Jammu Rural.
12. Hakim Mohammad Ali—Shia Community.

CHAIRMAN.

Mr. B. J. Glancy.

Objections were raised in certain quarters in regard to the composition of the Conference and these objections were referred to His Highness' Government for such orders as might be necessary. The main objections raised related to the following points :—

(*a*) The fact that different communities were not represented in proportion to their population, and

(*b*) the method whereby members had been selected.

It was explained by His Highness' Government that, in regard to the first of these two points, it was necessary that all important interests should be represented and that there was no intention of arriving at a decision according to the majority of votes recorded; a sufficient number of Muslim members had been included to represent the views of the community concerned; if on the other hand representation were regulated in accordance with population there would have to be some 75 Muslim members to justify the inclusion of one Sikh or one Buddhist, and thus the number of members would become unduly large without any useful purpose being served thereby.

In regard to the second point mentioned above it was explained that the method of selection had been as follows:—

1. In the case of those members who had been chosen in accordance with the expressed wishes of their respective communities to serve on the Grievances Commission, namely Pandit Prem Nath Bazaz, Mr. Ashai and Mr. Ghulam Abbas, these members were invited, on the conclusion of the Commission, to continue serving on the Constitutional Conference, as there was no reason to suppose that they had ceased to enjoy the confidence of their constituents.

2. In other cases, where there was in existence a recognized body or association capable of making a selection on behalf of the community concerned, as for instance in the case of the Anjuman Imamia, which represented the Shias of Kashmir, or the Yuvak Sabha which represented the Hindus of Jammu, such bodies had made their own selection accordingly.

3. In such cases as those of Jagirdars and rural representatives, where no machinery existed for selection by those whose interests were concerned, the members of the Conference had been nominated by His Highness' Government.

There were in all 14 meetings of the Conference, beginning on the 14th of March 1932 and ending on the 7th of April 1932. These meetings were attended regularly by all members with the following exceptions:—

Ch. Ramzan Zaildar resigned his seat on the 18th of March; his place was taken thereafter by Col. Haider Ali, C. I. E.

Mr. Ashai took his place at the Conference on the 29th of March and was present at the remaining seven meetings. It is understood that prior to the date on which he joined he was in doubt as to whether he was justified in attending.

Mr. Abbas remained absent throughout the proceedings.

The discussions were conducted in Urdu, the Court language of the State, so that all members present might be able to follow the proceedings without difficulty.

The proceedings of every meeting held have been carefully recorded and have been forwarded to His Highness' Government for information. The views expressed at each and every meeting by the various members present have been set down with as great a degree of accuracy as possible, and opportunity has been given to members to suggest any corrections or modifications: due attention has been given to any suggestions so received. Written statements prepared by different members have also been forwarded to His Highness' Government.

The most important issues which the Conference has examined are as follows :—

(*a*) Is it desirable that there should be a Legislative Assembly ?

(*b*) If so,

(*i*) what should be the functions of such an Assembly,

(*ii*) what should be the franchise basis, and

(*iii*) how should the Assembly be composed.

As regards the first of these questions it will be seen from the proceedings that there has been some difference of opinion. In regard to the functions of the proposed Assembly something closely approaching unanimity has been achieved. So far as the other main issues are concerned, there has been a very considerable divergence of views, especially with regard to the composition of the Assembly. This divergence is hardly surprising, considering the conflicting interests which different members have represented. There appeared unfortunately to be no hope whatsoever of attaining any semblance of a unanimous finding on these points, and it was therefore agreed that there was no prospect of submitting a joint report. The Chairman accordingly forwards his own recommendations, referring, as may be necessary, to the opinions put forward on behalf of various interests: the proceedings recorded will show that the recommendations made follow in general the joint views expressed, where there has been a consensus of opinion: where opinions have differed endeavours have been made to bear in mind the legitimate interests of all communities concerned.

The full purport of the draft recommendations has been read out in Urdu at a meeting held on the 7th of April so as to provide an opportunity for the suggestion of modifications or amendments; any such suggestion received has been given due attention, and each member has been informed by letter of the final recommendations which are being made in regard to the composition of the Assembly after further consideration of the views put forward.

Establishment of a Legislative Assembly.

Certain members have, it will be seen from the proceedings, expressed considerable misgivings as to the wisdom of such an innovation at the present time, in view of the disturbed conditions which have unhappily been prevailing. The general feeling is, however, in favour of such an experiment being tried.

It appears highly desireable that the subjects of the State should be given a voice in the administration and in view of the announcement already made by His Highness in this behalf there would seem to be no room for doubt as to the action which should be taken in this respect.

① It is recommended that a Legislative Assembly should be established as soon as may be practicable.

Powers and Functions of the Assembly.

The proceedings will show that a virtually unanimous opinion has been expressed at the Conference in favour of the functions of the

Assembly being defined as follows :—

LEGISLATION.

Subject to the final assent of His Highness the Maharaja Bahadur the Assembly should have power to make laws.

GOVERNMENT BILLS.

All Government bills except such bills, if any, as relate exclusively to reserved subjects [namely (1) the person or privileges of His Highness or members of the Ruling Family, (2) foreign relations, (3) the discipline and control of the State Forces] should be referred to the Assembly and should not become law until ratified thereby, provided that

(*a*) His Highness should in case of emergency retain full power to make and promulgate ordinances for the good government of the State and any such ordinances should be operative for a period of six months unless repealed by His Highness at an earlier date.

(*b*) His Highness should, where he considers it necessary in the interests of good government, have power to certify any bill which the Assembly may decline to pass.

PRIVATE BILLS.

The introduction of any private bill should be allowed and the bill, if passed, should, subject to His Highness' final assent, become law provided that :—

(*a*) no such bill shall relate to reserved subjects as already defined ;

(*b*) unless the previous approval of His Highness' Government has been obtained, no bill shall involve the imposition of new taxation or the enhancement or reduction of existing taxation ;

(*c*) no bill shall affect the religious rites, usages, endowments or personal law of any community other than that to which the proposer belongs ; a bill affecting the usages etc. of that community only which the proposer represents may be introduced if not less than two thirds of the elected members of that community are in favour thereof, and if the previous permission of His Highness for the introduction of such a bill has been obtained ;

(*d*) no bill shall involve the imposition of disabilities on any class or community as such ;

(*e*) no bill shall affect the rights specifically granted to Jagirdars, Pattadars, etc. in their Sanads or Pattas ;

(*f*) unless the previous sanction of His Highness' Government has been obtained no bill shall be introduced which it is intended to apply to any Illaqa or Jagir to which the State laws are not ordinarily applicable.

His Highness shall have the power of referring back any bill to the Assembly for further consideration or amendment.

The above proposals, representing, as already remarked, the practically unanimous opinion of the Conference, are recommended for adoption.

Various other suggestions have been put forward ; it has been suggested for instance that no bill should be introduced (*a*) which affects the privileges of Rajputs as such or (*b*) which affects any class of non-State subjects residing in the Jammu and Kashmir State.

There does not appear to be any sufficiently strong reason for adopting these suggestions. In regard to the rights of non-State subjects for the purposes of the Assembly, opinion is expressed below.

Questions and Resolutions.

Questions and resolutions should be permitted without restriction provided that :—

(1) they do not relate to reserved subjects as already defined ;

(2) they do not affect the religious rites, usages, endowments or personal law of any community other than that to which the member asking the question or moving the resolution belongs ; such questions or resolutions may, however, be allowed with the special permission of the President of the Assembly, who should, where he considers it necessary, refer the matter for the orders of His Highness ;

(3) they do not relate to the merits of cases under enquiry by a court of law.

Supplementry questions should be allowed.

Period of Notice.

In the case of questions, thirty days' notice should ordinarily be given, so as to afford due opportunity for the supply of the information required. The President should have the power to reduce this period where it may be necessary.

In the case of private bills, a similar period of thirty days' notice should be given, and the member wishing to introduce a bill should forward a copy thereof together with a statement of the objects and reasons.

In regard to resolutions fifteen days' notice should be given.

In the case of any bills, resolutions or questions for which previous sanction is necessary, an additional period of fifteen days' notice over and above the minimum period ordinarily prescribed should be required.

Budget.

The President should appoint certain days prior to the announcement of the State financial year (at present the first of Katik or mid-October) for the discussion of the State Budget in the Assembly.

A week before the first date so appointed, a copy of the budget and a brief explanatory statement thereof in Urdu should be forwarded to each member of the Assembly. Members should on the dates appointed be given full opportunity to ask questions and make suggestions relating to any part of the budget with the exception of reserved subjects.

P-99

No kind of new taxation should be imposed without reference t the Assembly; the grant of monopolies etc. which amount in themselve to the imposition of new taxation should be treated in the same manner.

Freedom of speech in the Assembly.

Speeches delivered in the Assembly should be privileged and should not be actionable. It should be the function of the President to intervene in the case of exceptionable remarks.

In regard to the above points, namely questions and resolutions, period of notice, budget procedure and freedom of speech, the proposals recorded above represent the general consensus of opinion expressed at the Conference, and their adoption is recommended accordingly.

Standing Committee.

It has been suggested that simultaneously with the creation of the Assembly, a non-official Standing Committee should be appointed and that the policy of Government in regard to finance, public health, etc. should be explained to the members of such Committee and their opinions on these points should be ascertained.

This is a development which might well take place after a suitable period has elapsed. It appears advisable, however, that it should be deferred until the Assembly has actually been created and some experience of its working has been gained.

Franchise.

It is generally agreed that the number of voters on the electoral roll should amount approximately to ten per cent. of the total population, a ratio which has frequently been adopted as the working rule in British India. In order to achieve this object the appointment of a Franchise Committee or some organization corresponding thereto will be necessary. Information is unfortunately lacking as to the number of people likely to be entitled to vote if different kinds of qualifications are adopted; the proposals put forward are therefore merely tentative and suggested as a temporary expedient.

As a working basis for the time being, various qualifications have been suggested. It will be observed from the proceedings that opinions have differed to a marked extent in this respect. For instance, the views given in respect to land revenue qualifications have varied between Rs. 10 payment and Rs. 50 payment per annum; in respect to immoveable property between Rs. 500 and Rs. 2,000 in value, and in regard to educational qualifications between Middle pass and Graduate standard.

It is recommended that in the four following cases, the standards now prescribed for the right of voting at Municipal elections may be adopted as franchise qualifications in regard to the Assembly :—

1. Payment of land revenue not less than Rs. 20 per annum.
2. Possession of immovable property not less than Rs. 1,000 in value.
3. Membership of a learned profession, such as the Medical or Legal profession, etc.
4. The receipt of a Government pension of not less than Rs. 25 per month.

In addition to the above it is recommended that any of the following additional qualifications should also be regarded as sufficient :—

1. Payment of Municipal taxes not less than Rs. 20 per annum.
2. Title holders, Zaildars, Lumberdars and Safed Poshes.
3. Jagirdars and Pattadars enjoying an assignment of not less than Rs. 50 per annum.
4. Educational standard Matriculate or corresponding Vernacular standard.

The qualifications suggested above would appear to be sufficient for the present. It does not appear advisable to provide for further qualifications in the way of annual income, payment of house-rent or payment of customs, as there will be difficulties in the way of satisfactorily verifying such qualifications.

The same qualifications for membership of the Assembly as those recommended for franchise might be adopted.

Disqualifications.

It is recommended that the following should be regarded as disqualified for purposes of franchise :—

1. Females.
2. Persons below the age of 21.
3. Persons certified as insane.
4. Undischarged bankrupts or insolvents.
5. Persons convicted by a criminal court of an offence punishable with imprisonment for a term exceeding six months, provided that if a period of five years has elapsed since the termination of the sentence, the disqualification shall cease to operate.
6. Persons who are at the time of the election under orders by a competent court to provide security for good behaviour.
7. Persons, other than State subjects, who have not been domiciled in the State for a consecutive period of five years immediately preceding the time of the election.

With regard to the latter disqualification, it has been represented on the one hand that only State subjects as now defined should have the right to vote and that on the other hand that one year's residence in the State should be sufficient to qualify for franchise and that the present definition of "State subjects" should be discarded for all purposes. It is not within the scope of the Conference to consider the appropriateness of the existing definition of "State subject" for general purposes. As regards qualification for the franchise, however, though there is every reason for upholding the prior claims of State subjects in general, the present definition appears to be unduly rigid; domicile in the State for a thousand years cannot according to this definition qualify a man to become a hereditary State subject. It would seem both unfair and inexpedient to deny the right of franchise to a man who has so far identified himself with local interests as to make his domicile in the State over a consecutive period of five years. As one member of the Conference has aptly expressed it, man can beget sons, he cannot beget his ancestors.

Some Members have given their opinions in favour of an experiment in the direction of female suffrage. But the general consensus of opinion is against this departure. In view of the backward condition of female education it appears advisable to defer for the present any proposal of this nature.

In regard to disqualifications for elected membership of the Assembly, it is recommended that the same standards as those proposed above in the case of franchise should be adopted with the following additions or modifications :—

1. Persons below the age of 25, (instead of 21 as in the case of franchise).
2. Persons not on the electoral roll.
3. Persons unable to read, write and understand the Court language, namely Urdu.
4. Persons actually in the service of Government.
5. Dismissed Government servants, provided that the disqualification in this respect may be removed by the specific orders of Government.
6. Persons, other than first class State subjects as now defined who have not been domiciled in the State for a consecutive period of fifteen years, immediately preceding the time of the election.

In the case of this latter disqualification, the remarks already made in connection wlth the question of State subjects should suffice.

It will be observed from the proceedings that there has been a fair approach to unanimity in regard to the question of disqualifications.

Composition of the Assembly.

(*a*) ELECTED MEMBERS.

In the absence of detailed information in regard to the number of persons likely to be qualified to vote on the basis suggested above, a rough guide can be afforded by the population satistics as recorded in the Census which has recently taken place. Once again it may be pointed out that the proposals put forward are only tentative and may be found to require considerable modification when statistics have been collected showing the approximate voting strength of various classes and communities.

The total population of the State is recorded as roughly 36½ lakhs. Excluding the Poonch and Chenani Jagirs and certain distinct Frontier Illaqas such as Hunza and Nagar, which are in certain respects withdrawn from the scope of the ordinary State machinery, the population comes to approximately 32 lakhs. If Ladakh and Gilgit proper are also excluded there would be a further reduction of about 2¼ lakhs. The general feeling of the Conference is that Ladakh and Gilgit proper should not be excluded for the purposes of the Assembly. It is true that these tracts are comparatively backward, also that they are cut off at certain times of the year; they form, however, an integral part of the State for ordinary purposes and except in the winter months communications are open.

It is clearly undesirable that the Assembly should be composed of so large a number of members as to become unwieldy. A working basis in regard to the number of elected members would seem to be provided by

---

the allotment o
this basis there

One imp
separate or joi
sensus of opini
Some member
separate elect
increasing com
which unhapp
be ascribed to
Srinagar Muni
the feeling of
It would app
of joint elec
obviously adv
superfluous el
commended.

There
be no plural
should depen
of the electio

In reg
the various
has been cla
be allotted t
that part of
be concerned
should be tw
claims have
ties, such a
classes.

The
tion of thes
the various
sideration :

Jan
Jan
Ka
Re
Ud
Mi

P-102

✓

the allotment of one such member to every lakh of the population. On this basis there would be 32 elected members in all.

Joint or separate electorates.

One important question that arises is whether electorates should be separate or joint. It will be observed that there has been a general consensus of opinion at the Conference in favour of separate electorates. Some members have pointed out that, although the establishment of separate electorates has some times been regarded as responsible for increasing communal tension in British India, the acute communal feeling which unhappily prevails in the State at the present time can certainly not be ascribed to this cause; it has been maintained that in the case of the Srinagar Municipality the introduction of joint electorates has enhanced the feeling of antagonism and distrust between the different communities. It would appear that in the existing state of tension, the institution of joint electorates must be regarded as a dangerous experiment. It is obviously advisable at the present time to avoid as far as possible all superfluous elements of danger. Separate electorates are accordingly recommended.

There has been a consensus of opinion on the point that there should be no plural voting. The place at which a voter should record his vote should depend upon the locality in which he normally resides at the time of the election.

In regard to the allocation of elected seats in the Assembly among the various communities widely different views have been put forward. It has been claimed on the one hand that at least 25 seats out of 32 should be allotted to Muslims, who number 75 per cent. out of the population of that part of the State with which it is proposed that the Assembly should be concerned. On the other hand it has been represented that there should be two elected Hindu members to every one Muslim. And special claims have been put forward on behalf of particular classes or communities, such as Sikhs and Rajputs and also on behalf of the depressed classes.

The two main communities are Muslims and Hindus. The population of these two communities stated in round numbers is as follows for the various portions of the State which it is proposed to take into consideration :—

JAMMU PROVINCE.

		Muslims.	Hindus.
Jammu Wazarat excluding Jammu city		1,37,000	1,93,000
Jammu city	...	12,000	24,000
Kathua Wazarat	...	40,000	1,21,000
Reasi „	...	1,55,000	79,000
Udhampur „	...	1,17,000	1,56,000
Mirpur „	...	2,78,000	57,000
Total for Jammu Province	...	7,39,000	6,30,000

KASHMIR PROVINCE.

		Muslims.	Hindus.
Southern Kashmir excluding Srinagar City	...	5,75,000	20,000
Srinagar City	...	1,39,000	34,000
Northern Kashmir	...	5,43,000	11,000
Muzaffarabad	...	2,22,000	4,000
Total for Kashmir Province	...	14,79,000	69,000
FRONTIER.			
Ladakh	...	1,53,000	300
Gilgit proper	...	31,000	1,000
Total Frontier	...	1,84,000	1,300
GRAND TOTAL	...	24,02,000	7,00,300

Buddhists who are almost entirely confined to the frontier districts of Ladakh amount to 39,000. Sikhs whose numbers are more or less equally divided between the provinces of Jammu and Kashmir, also come to 39,000.

If population is strictly followed, Muslims, whose ratio works out at 75 per cent. should get 24 out of 32 elected seats, and Hindus, who come to 22 per cent. should be given 7, Buddhists and Sikhs would hardly qualify for one seat between them.

The principle of "weightage" has, however, to be taken into account in order to safeguard the interests of minor communities. This principle has been fully recognised in British India. In the United Provinces for instance Muslims, who number only a little more than 14 per cent. of the population, have been given not less than 29 per cent. of elected seats in the Legislative Council. In Bombay non-Muslims, whose numbers amount to nearly 79 per cent. of the population, have been reduced in the matter of elected seats to a bare majority. Responsible Mohammedan opinion has been expressed in favour of the principle of "weightage" being applied to the State Assembly provided that Muslims are allowed to retain an actual majority in the matter of elected seats.

A fair solution would appear to be provided by allowing to Hindus sufficient "weightage" to bring their number of elected seats in the Assembly up to 33⅓ per cent. Muslims would in this case be awarded a fraction over 60 per cent. while Sikhs and Buddhists would each be given just over 3 per cent.

It has been claimed that not less than 4 seats should be allowed to Sikhs, or, failing that, two, one for Jammu and one for Kashmir. It is true that, as has already been remarked, the Sikh population is scattered over the two Provinces. It is also true that the behaviour of the Sikhs has been exemplary during the recent disturbances and that they are fully deserving of consideration, but, as far as the State is concerned, they are relatively a very small community and it is difficult to allot them more than one elected seat without unduly affecting the interests of others. It is suggested that their aspirations might be met by the practice of including among the nominated members one Sikh member coming from that province to which the elected Sikh member does not belong. This should be sufficient to provide for the reasonable requirements of the community; as the Sikh representative at the Conference has explained, the Sikhs are not striving for power in the State, they only desire that their voice should be heard. The only other alternative that seems possible is to increase by one the total number of elected members, but this would of course disturb the general ratio.

In the case of the Buddhists one elected seat should suffice. As mentioned above, the Buddhist community is practically confined to one portion of the State and it is doubtful what their actual voting strength will prove to be.

Some difficulty is to be found in deciding how effect is to be given to the "weightage" proposed for Hindus. It is true that the great bulk of the Hindu population belongs to the Jammu Province, but there are obvious objections in the way of allotting them a larger number of seats in that Province than can be given to Muslims, who even in Jammu are more numerous than Hindus. The most satisfactory solution appears to lie in giving the "weightage" its main effect in the Kashmir Province; although the Hindus in Kashmir are relatively small in numbers, they are a highly advanced community and it is to be expected that their voting strength will prove to be considerably higher than their population would suggest.

It is not proposed that any elected seats should be reserved for the depressed classes. In the census the depressed classes are recorded as Hindus, and there appears to be no sufficient reason for according them different treatment from that received by them in the Punjab, where no special reservation obtains.

✓ It is recommended that the total number of elected seats should be 33 and that they should be distributed as follows:—

		Muslims.	Hindus.	Buddhists.	Sikhs.
A. *Jammu Province.*					
Jammu City	...	1	1	...	1
Jammu Wazarat	...	1	2	...	
Kathua „	...	1	1	...	
Udhampur „	...	1	1	...	
Reasi „	...	1	1	...	
Mirpur „	...	2	1	...	
Total Jammu Province	...	7	7	...	1
B. *Kashmir Province.*					
Srinagar City	...	3	2	...	...
Southern Wazarat	...	3	1	...	...
Northern „	...	3	1	...	...
Muzaffarabad	...	2	nil	...	...
Total Kashmir Province	...	11	4	...	...
C. *Frontier.*					
Gilgit proper	...	I	...	...	...
Ladakh	...	1	...	1	...
Total State	...	20	11	1	1

Nominated Members.

Here again there has been a great difference of opinion, the proposals put forward by various members for the proportion of nominated to elected seats vary between 25 per cent. and 150 per cent.

It would seem a fair solution that the total number of nominated members should be equal to two thirds of the number of elected members, namely 22, and that in addition to these His Highness the Maharaja Bahadur should, if he sees fit to do so, appoint his Ministers, not exceeding 5 in number, as *ex-officio* members. The total membership of the Assembly would thus be limited to 60 (33+22+5). In regard to the nominated members, not less than one third should be non-officials; apart from this His Highness should have entire discretion in the matter of nomination. There has been a general consensus of opinion, however, expressed at the Conference that nomination should be so regulated as to provide as far as possible for the representation of interests which are not specially catered for in the elected membership, such for instance as Jagirdars and commercial interests.

If the above recommendations are adopted, there would be a clear elected majority and there would be a proportion of not less than two non-official members to one official member.

President of the Assembly.

It is recommended that the Assembly should be presided over by the Prime Minister or such other Minister as His Highness may be pleased to appoint for the purpose.

Number and Place of Meetings.

Apart from any special meetings which it may be found necessary to call, it is recommended that there should be two regular meetings of the Assembly a year, one at Srinagar in the month of Assuj (September-October) when the budget proposals amongst other matters can be discussed, and one at Jammu in the month of Phagan (February-March) or such other time as may be convenient.

Life of the Assembly.

The life of the Assembly should, it is recommended, be fixed at three years in the first instance.

Rules relating to the number necessary to form a quorum and other matters of comparatively minor importance can be provided for suitably in the bye-laws.

It is recommended that the Assembly should have no power to propose an alteration in the enactment creating the Assembly, unless the previous approval of His Highness is obtained through the President.

District Boards.

Apart from the question of creating a Legislative Assembly the subject of District Boards and Municipalities has also been raised at the Constitutional Conference.

At present there are no District Boards in the State. There has been a general consensus of opinion expressed at the Conference in favour of a beginning being made in this matter in the following way.

p106

Wazirs or District Officers should once every year call a meeting of all the Zaildars in their Districts. The Tahsildars and the Road Cess Overseer should also be present. The Wazir should make known the amount of funds available from the Road Cess Fund for expenditure in the Wazarat, he should ascertain from those present the requirements of the various Zails and he should then proceed to make allotments after taking into consideration the views expressed. Zaildars should at the same time be given an opportunity to put forward their views in regard to other matters such as Schools, Medical Relief, Sanitation, etc.

In the case of districts in which distances are great and communications indifferent, such as for instance the Udhampur Wazarat which includes Kishtwar, Bhadrawah and Ramban, it may be difficult to summon Zaildars to District head-quarters without causing them undue inconvenience; in such cases the Wazir should make a point of consulting Zaildars at convenient places when he proceeds on tour.

It has been agreed at the Conference that it is inadvisable to hold more than one such meeting a year at the head-quarters of a Wazarat, as it is believed that, if the number of such meetings is multiplied, many Zaildars will be unwilling to attend. It has been pointed out that under present conditions Zaildars are put to much inconvenience in visiting District head-quarters because there is no suitable building in which they can be accommodated ; this is a matter which should receive the attention of the State authorities.

Municipalities.

The following views in regard to Municipalities have been expressed and deserve consideration.

ELECTORAL ROLL.

It is considered that the electoral rolls should be revised in such a way as to make the numbers recorded thereon equivalent to about ten per cent. of the total population of each Municipality. At present the number of voters appears to be considerably less than this in the case of Srinagar city.

SEPARATE ELECTORATES.

In view of the opinions expressed in regard to the undesirable effects of joint electorates in the matter of communal tension it is suggested that the question of substituting separate electorates should receive attention.

NUMBER OF ELECTED MEMBERS.

It is recommended that the proportion of elected members who now form 50 per cent. of the total, should be slightly increased so as to provide for an elected majority. An increase in the total number of Municipal members does not appear to be desirable in the interests of efficiency.

EXTENSION OF POWERS.

It is understood that the Municipal Committee of Srinagar has already put forward proposals to the Minister-in-charge for an increase of powers, and that the matter is under the consideration of His Highness' Government ; an early decision appears to be desirable.

p-107

NON-OFFICIAL PRESIDENT.

The proposal that Municipalities should be presided over by a non-official is far from meeting with universal approval. No recommendation in this direction appears at present to be justified.

DELAY IN AWARDING COMPENSATION.

It is represented that Municipal Committees at present allow great delay to occur in paying compensation for property acquired etc. Endeavours should be made to expedite the disposal of such cases.

(Sd.) B. J. GLANCY,

Jammu. PRESIDENT,

April 1932. *Constitutional Reforms Conference.*

Source: Report of the Kashmir Constitutional Reforms Conference.
H. H. Govt, J&K 1932 Jammu.

30th Dec. 1933

REPORT
OF THE
FRANCHISE COMMITTEE.

In the order dated 31st May 1932, His Highness the Maharaja Bahadur in Council accepted the recommendation of the President of the Kashmir Constitutional Reforms Committee, Mr. Glancy, and appointed a Franchise Committee. Observing from Mr. Glancy's Report that the Reforms Conference had only been able to put forward tentative suggestions regarding the important question of the franchise and of the composition of the Assembly, His Highness in Council instructed the Franchise Committee to examine the different kinds of qualifications and disqualifications for the franchise and for elected membership of the Assembly and to submit recommendations on matters referred to in that Report and on any other matters which as a result of the Committee's enquiries appeared to be germane to the subject. The Committee was authorised to collect statistics, to receive representations and to examine witnesses.

2. The Committee was composed of the following Members :—

1. Sir Barjor Dalal, Kt., I. C. S. (Retd.)	... *President.*
2. Mr. L. W. Jardine, I. C. S.	... *Vice President.*
3. R. B. Sardar Thakur Kartar Singh Ji,	... *Member.*
4. K. B. Sheikh Abdul Qayum,	... *Member.*

with Mr. Ram Nath Sharma, Registrar High Court, as Secretary.

On the 24th March 1933, Sir Ivo Elliott, I. C. S. (Retd.) was appointed Franchise Officer and replaced Mr. Jardine as Member of the Committee.

Owing to the pressure of his ordinary work Mr. Ram Nath Sharma left the Secretaryship and Mr. Hira Nand Raina was appointed Secretary to the Committee. To both these gentlemen the Members of the Committee desire to express their thanks, and especially for their arrangements in the examination of witnesses.

3. The Committee first met on the 8th of June 1932 to discuss procedure. We paid special attention to the need for securing the widest possible attention of the public to the points which we had been instructed to examine. A proclamation was issued, the earlier proceedings of the Committee were published in the Gazette and in October 1932 the Committee issued a Questionnaire as a further help to witnesses in covering the whole ground of enquiry. The 3rd October 1932 was the earliest date by which we could expect witnesses to prepare written statements and to give oral evidence, and we hoped to hear the Srinagar witnesses in this month. Very few of them, however, were able to attend at the date fixed and the hearing of evidence in Kashmir had to be postponed to the 1933 season, though the Committee took the opportunity of examining some witnesses at Muzaffarabad and Baramulla. The Committee heard evidence in Jammu in April 1933 and in Srinagar in May 1933.

Full publicity was given to the proceedings; the written statements of witnesses were read in open Committee and the witnesses were then orally examined. The Committee also permitted any persons present at the meeting to ask questions from the witnesses on the points on which they had given their evidence.

4. The list of the witnesses examined and of some individuals who were only able to submit written statements is given in Appendix I (not printed). The list comprises representatives of every community in Jammu and Kashmir and we are satisfied that we have been made acquainted with the opinions of most parties and classes in the State. We should have welcomed some further assistance at Srinagar from the "Jammu and Kashmir Muslim Conference". We were

informed by the President of the Conference on 16th May 1933 that in fact the Conference did not propose to add anything to the statements made in the Memorial of 19th October 1931. That Memorial was earlier in date than the proceedings of the Constitutional Reforms Conference, which it was our special duty to supplement by more detailed enquiries, and as the particular statements in it were no more than two very short paragraphs expressed in the most general terms, the President in his letter of the 17th May 1933 invited the Conference to submit evidence on the points of detail in the manner which had been indicated by our Questionnaire and which had been followed by our other witnesses whether speaking in a personal or representative capacity. We were promised that a member of the working committee of the Conference would send in a written statement and give evidence, but this was not done.

5. Our Questionnaire, which in its arrangement closely followed the points in Mr. Glancy's Report on the Constitutional Reforms Conference, has probably been more helpful to our witnesses than it has been to us. It enabled them or the associations which they represented to say yes or no to a number of isolated propositions. But we have been disappointed at the failure in too many cases to give reasons for the answer or even to ensure that the answer to one question was consistent with the answer to another. This failure was due in part no doubt to the divergent nature of the questions which we had asked in our Questionnaire and in part to ignorance of the practical aspects of an electoral system and in particular the function of constituencies; but we must regret that so few witnesses saw the need for basing their answers on some general and consistent scheme which would embrace all interests. It was not enough at this stage to put forward the maximum claims of a community, to express ignorance of or indifference to the claims of any other community and to make no attempt to reconcile these different claims in one coherent scheme. Yet this has been a general feature of the evidence.

It is a matter of interest that on only one of the main points which we had to examine were our witnesses absolutely unanimous; all agreed in preferring direct election to any form of indirect election. Only one witness advocated manhood suffrage. For the rest there was an extreme divergence of opinion and this divergence has been mainly on a communal basis.

We have therefore been faced with the same exaggeration of communal claims and fears which made the Constitutional Reforms Conference abortive and prevented any of its Members from putting their signatures to Mr. Glancy's Report. We think then that it would be helpful if we begin by examining what appears to us to be the chief cause of this exaggeration, namely the excessive attention which has been given to the idea,—we certainly cannot call it the principle—of enfranchising 10 per cent. of the total population. This idea rests on mis-apprehension and indeed on mis-statement.

6. Mr. Glancy began that part of his report with which we are chiefly concerned by saying: "it is generally agreed that the number of voters on the electoral roll should amount approximately to ten per cent. of the total population, a ratio which has frequently been adopted as the working rule in British India". This is not correct; it is not a working rule. The reports of the Statutory Commission and of the Indian Franchise Committee (pp. 197 and 30 respectively) show that the existing system in British India has enfranchised a percentage which varies from 1·1 in Bihar to 3·9 in Bombay. The British Indian Provinces have been accustomed for many years to election either for the local self-governing bodies or for the Councils, and it is because there has been this experience with the smaller franchise that it has been possible to consider, as in other countries with similar experience, an advance towards adult franchise. It was for conditions which were still in the future that the Statutory Commission suggested 10 per cent. as a possible figure which would educate a wider electorate, that the Provincial Governments with some hesitation prepared to arrange for that number of electors, and that the Indian Franchise Committee developed their further proposals.

There is no virtue whatever in the ratio of 10 per cent; it is an arbitrary figure which has been suggested as a rough measure of the advance which can be

P110

made practically towards adult suffrage in a country where years of experience of a restricted franchise have made some advance possible. It would be entirely against constitutional history to lay so much stress on the total numbers of men, women and children, or in other words to think in terms of adult suffrage, in a country which has never yet had any wide-spread electoral system. In the first stages of constitutional progress the chief element is not the individual man, it is the constituency. When the Ruler has desired to associate his subjects in the legislative work of his Government, he has had two ways of securing a competent and representative body of advisers. Apart from his own officials there are prominent and capable men whose advice he would obviously require for legislation, and whom he can summon by name to his Council, and these have often been the nucleus of a second Chamber. But as the Kingdom advances there is more need for the specific representation of local interests, and the more important men of local areas are required to elect their members to supplement the nominees. What these local areas should be has never been determined by some exact measurement of men and women through a census or even by the allotment of an exact number of enfranchised voters to each seat; the local areas have determined themselves by their history and form of administration. Historically it has been the towns which usually have been the first to secure elected representation, as the concentration of trade in them has given them importance and they have had some special administration which has made it less reasonable that their interests should be represented only by the big land-holders who have been called by the Ruler to his Council. Elected representation of the country, apart from the towns, belongs to a later stage, and when it has been granted, the territorial units have differed very largely in size in every country where representative Government has been established, and these differences still continue. It is only at a very advanced stage of progress, namely when adult suffrage is becoming possible, that there has come the idea of making the constituencies more equal in size or number of the total population, and even now, as the example of many democratic countries shows, equality cannot be reached, and the constituency remains more important than the census.

7. It is from these considerations of normal constitutional growth that we hold that it has been a misapprehension to lay so much stress on the idea of enfranchising 10 per cent. of the total population, apart from the actual misstatement of describing this ratio as a working rule. We propose to base our recommendations on the constituencies; and for this reason we deal first with the composition of the Assembly before we proceed to discuss the franchise; but our scheme will show that we have also given appropriate weight to the numerical facts, though we have been careful not to exaggerate their importance.

The facts about the constituencies can be stated very shortly. There are the two cities, Jammu and Srinagar, which have special importance as in them are concentrated wealth, trade, education and the learned professions. There are ten Wazarats, Jammu, Udhampur, Reasi, Kathua, Mirpur, Kashmir North, Kashmir South, Muzaffarabad, Ladakh and Gilgit. We have been informed in the Prime Minister's letter that the Jagirs should be included in the constitutional scheme. Chenani is small but has entirely separate interests which must be represented. This Jagir and Poonch bring the number of rural constituencies to twelve. There can be no question of including the Frontier Ilaqas outside Ladakh and Gilgit.

On these facts, and with historical reasoning behind us, we might with advantage consider a first hypothesis of what would be a justifiable constitution. It would be possible to recommend that His Highness the Maharaja Bahadur's first Legislative Assembly, for the exercise of powers such as Mr. Glancy has foreshadowed, might well consist of thirty two members. Sixteen of these would be summoned by name by His Highness from those of his subjects who were most eminently fitted to be State Councillors; sixteen would be elected representatives, one from each of the rural constituencies, and two from each of the cities; in this point we should be giving 'weightage' to the interests of the cities, but weightage to the factors of wealth and learning has always preceded weightage for mere numbers in the stages before it becomes possible to contemplate adult suffrage. We could claim that an Assembly thus hypothetically constituted would be a sound nucleus for further development, when the political progress of the State made it possible to give greater responsibilities to the Legislature; the elected representation of the cities and districts could be increased so as to form a large Assembly; and the State Councillors would form the nucleus of a second Chamber or Council such as we consider might be required in the interest of the State as a whole in a more advanced type of constitution.

Such an Assembly would also have the merit of being comparable to that which has been established in the State of Bhopal, a State which resembles this State in certain essential factors. Bhopal has an Assembly of 24 members, only eight of whom are elected, and of these two members represent the city and two represent trade. Our Assembly of 32 members, 16 of whom would be elected, would be in advance of the Bhopal constitution, and while giving weightage, as in Bhopal, to the urban interests, would give far greater representation to the agricultural.

8. We are faced, however, by other local facts in Jammu and Kashmir, in particular the great diversity of the population, which compel us to go beyond our first hypothesis, though we retain its general principle. To meet these facts we must propose a greater number of representative members. In thus enlarging the Assembly on the lines which we state below, we are aware that we are recommending a greater advance over constitutions such as that of Bhopal, but we do not think that this will be unwise.

The diversity of the population can best be stated in the following table which shows to the nearest thousand the adult males over 20 years of age in each of our proposed constituencies and in each of the principal communities. There is such general agreement that women cannot be enfranchised to any large extent that we require only the figures of adult males. The figures for districts are exclusive of the cities:—

Constituency.	Muslims.	Hindus.	Sikhs.	Buddhists.
Rural.				
Jammu ...	37	56	2	......
Udhampur ...	31	46	......	......
Chenani ...	1	3	......	......
Reasi ...	39	24	......	......
Kathua ...	11	35	......	......
Mirpur ...	71	15	2	......
Kashmir North ...	135	4	......	......
Kashmir South ...	156	7	1	......
Muzaffarabad ...	56	1	3	......
Poonch ...	82	6	3	......
Ladakh ...	41	......	......	12
Gilgit ...	8	1	......	......
Urban.				
Jammu city ...	5	9	......	......
Srinagar city ...	39	10	......	......

9. In the rural districts the result of an election on any conceivable system of franchise, if only one member was to be elected, would be the election of a Muslim member in five Wazarats and in Poonch, and of a Hindu in Kathua and Chenani. In Jammu, Udhampur and Reasi the result would be uncertain and this uncertainty could not fail to be reflected in communal competition which would be dangerous to the peace. We therefore recommend that each of these three constituencies should have two elected members, one for the Muslim electorate and one for the Hindu.

But if Jammu, Udhampur and Reasi return two members each, it would be too great an anomaly to leave Mirpur, Northern and Southern Kashmir and Poonch each with only a single member, and although we do not attach the first importance to this factor of population, it would be an almost equally great anomaly if in these four districts the second member were to be elected by the minority communities which are negligible in numbers compared with the minorities in Jammu, Udhampur and Reasi. The second member in these four districts must clearly be a Muslim.

10. If however the Assembly is to embrace all local interests we must provide for the representation of the smaller minorities also, if they are to be divided from the major community and formed into separate electorates, as Mr. Glancy and the great majority of our witnesses, Muslim, Hindu and Sikh, have recommended. The 15,000 Hindus of Mirpur and the 11,000 Muslims of Kathua might each elect a member without straining overmuch the idea of weightage. The groups of Hindus in the three Kashmir districts are very much smaller, but they are to a very large extent homogeneous and they have a high degree of education. We think that the fairest course is to group these 12,000 adult Hindus into a single Kashmir Hindu constituency, excluding Srinagar city. For the small minority in Poonch the best course will be for the Ilaqadar to nominate a representative of the Hindus. In Chenani the numbers are so small that although there must be special representation, a system of election is not really justified, still less a system of separate electorates, and we feel that in this case also it will be wiser to ask the Ilaqadar to nominate his representative. But while we thus provide for the minorities by election or nomination according to their size, we must also, in fairness to the majority community, be mindful of our principle of giving some weight, though in a less degree, to the numbers of adult male population. We follow the same course of giving an extra elected member for a large group and an extra nominated member for a smaller group, and we propose that where any community has more than 40,000 adult men to each elected member, there should be an additional elected member for each 40,000 and an additional nominated member for part of 40,000 greater than 5,000. This scale would give a third elected member both to Kashmir North and Kashmir South, both from the Muslim electorate, an extra Muslim nominated member to each of the three Kashmir districts, and an extra Hindu nominated member to Jammu and to Udhampur.

Where a Wazarat or Ilaqa is allotted two or more members under this scheme, and the population is practically homogeneous, we think that the representation would be more effective if it were divided by Tehsils, roughly in accordance with the population figures, into single member constituencies. This would also make the conduct of the election much easier by decreasing the number of candidates for any one constituency. We recommend that these constituencies should be as follows:—

Constituency.		Adult Muslims.
Mirpur ...	Bhimbar ...	25,
	Mirpur-Kotli ...	46,
Poonch ...	Haveli-Mendhar ...	42,
	Bagh-Sudhnuti ...	39,
Kashmir North ...	Handwara (Uttarmachipura)...	62,
	Baramulla ...	34,
	Badgam (Sri Partapsinghpura).	49,
Kashmir South ...	Tahsil Khas-Pulwama ...	69,
	Anantnag ...	33,
	Kulgam ...	54,

Although there is inevitably some inequality in the population of the different units we believe that this scheme would give excellent representation to local interests, and we are opposed to any re-adjustment of boundaries in order to equalize population, as the limits of the Tehsils are well known to everyone. The provision of three extra Muslim seats for the three districts of Kashmir Province will enable His Highness to nominate representatives of any Muslim elements for which the electoral system does not provide.

11. In the evidence given to us at Jammu we have heard with great interest and sympathy the claims of the Megh community, and our conclusion is that the Meghs have real ground for being specially considered, without however being in any way separated from the mass of the Hindus. A comparison of the figures in the last two censuses shows that there must in 1931 have been some concealment of membership of this caste and their real number is probably greater, but even with the census figure of 70,000 members this is one of the most important caste groups in the State. We also observe that the great majority of the Meghs are localized in the Jammu and Udhampur Wazarats. We have recommended that each of these Wazarats should have an extra Hindu member nominated; Jammu has 16,000 and Udhampur 6,000 adult males in excess of 40,000, but these communities would not come on to our scale for extra members, were it not for the approximately 9,000 Megh adults in Jammu and 7,000 in Udhampur and also members of other castes which are elsewhere called the depressed classes. It is therefore as a measure of obvious fairness that we suggest that in these two constituencies the extra Hindu members to be nominated should be chosen from the Megh community. We make no other recommendation for the representation of the depressed classes; such a step would not be suitable in this first stage of constitutional representation, and the case for making it is not strong if the action which we recommend on behalf of the Meghs is taken, as they are by far the most important of the communities of this type.

12. We have hitherto referred to representation of Ladakh and Gilgit in the same terms as in the case of the other districts, but we feel that it will be impossible to hold elections in these frontier districts until much greater experience of the conduct of elections has been acquired. Those of our witnesses who have stated that elections could be held now in Ladakh and Gilgit have clearly been speaking without any knowledge of the actual process of election and have made light of administrative difficulties which they have not attempted to examine. These difficulties will be considerable in other parts of the State, but in Ladakh and Gilgit the rigours of the climate, the immense area, the wide dispersion of inhabited sites and the extreme difficulty of communications between them make it at present impossible for a limited and entirely inexperienced staff to conduct an election. We must therefore recommend that at least until experience of election has been gained the members for Ladakh and Gilgit should be nominated and not elected. Our scale would give one Muslim and one Buddhist member to Ladakh and one Muslim member to Gilgit; but in view of the scattered and diverse population of Ladakh we recommend that two Muslim and two Buddhist members should be nominated for that Wazarat. One of the Muslim members should represent Skardu Tehsil and the other Kargil.

13. We have provided members by nomination for the Buddhist and, as part of the Hindu representation, for the Megh community. A community which requires special consideration is that of the Sikhs, and we have given a careful hearing to the claims put forward in their behalf, claims which have some justification from the fact that the numbers of the Sikhs, 12,365 adult males, are certainly not commensurate with their wealth, activities and general place in the State. The Sikhs are far less localized than are either the Buddhists or the Meghs, and it is difficult to fit their groups into our scheme of constituencies; yet the Sikh witnesses have laid stress on the fact that the two members suggested by Mr. Glancy could not properly represent local groups which live in such diverse conditions, and this has led them to make extravagant claims which admittedly have ignored every other consideration except the communal. After examining

P 114

this point of the local distribution of the Sikhs, we think that it would not be unfair to assign them to three groups; firstly those of Mirpur and Poonch (4,800 adult males) whose circumstances are very similar; secondly those of Muzaffarabad and of the Baramulla and Uttarmachipura Tehsils (3,800 adults); and thirdly the Sikhs of the rest of the State (3,700 adults) who nowhere form any large local group, but have some general importance in business and industry.

We cannot treat these three groups as one body for the purpose of electing a member, like the Kashmiri Hindus whose groups in the three districts are living in the same conditions in far easier contact one with the other. Our general method of handling this question of the smaller minority groups would justify us in proposing that three members should be nominated to represent the Sikh groups, but in that case the Sikhs, unlike the other communities, would have no elected member. This would on general grounds be an unsatisfactory conclusion, and specially so because the Sikhs have a high percentage of literacy; out of the 12,365 adult males 4,064 are literate. This factor entitles us to recommend that out of the three Sikh groups, two (1) Mirpur-Poonch and (2) West Kashmir should each elect one member. The third constituency of Eastern Kashmir and Jammu minus Mirpur will be too large a constituency in which to arrange an election so we recommend a nominated Sikh member for that constituency.

14. The steps which we have considered in the preceding paragraphs have raised the proposed rural representation to 24 elected and 12 nominated members. In the hypothetical constitution which we first examined we had 12 rural to 4 urban members, and the latter number also must now be raised, and for the same reasons. We propose, therefore, that there should be 10 urban elected members, 7 from Srinagar and 3 from Jammu, of whom the Muslim electorate should elect 1 member in Jammu and 5 in Srinagar and the Hindu electorate 2 in each city.

In order to simplify the process of election Srinagar should be divided into single-member constituencies, the basis of the division being, according to our general principle, the existing municipal wards. For the Muslim seats wards Nos. 1 and 3 in the south can be combined as one constituency, No. 1 carrying a comparatively light population. Similarly the outlying wards in the north, Nos. 6 and 8 should provide one seat. The qualified voters in ward No. 2 will be so predominantly Hindu that for the Muslim electorate this ward can be combined with No. 4. The densely populated wards 5 and 7 should each return a Muslim member. Of the two Hindu members one should be elected by wards 1, 2 and 3, the other by the remaining five municipal wards.

We have heard much evidence on behalf of the domiciled Hindus of Srinagar, a community which is of real importance to the State, though its numbers are small and it has few members who are State-subjects. It is obvious that these Hindus could not secure an elected seat, as they are completely outnumbered in the possible Hindu electorate; and they would not be qualified for inclusion in the State Councillors. We therefore propose that there should be one nominated seat in Srinagar for their representation. (Hindus)

15. Our full scheme would thus provide 34 elected and 13 nominated members to represent the cities and districts. To these we would add the 16 State Councillors, to whom we referred in para. 7 and whose inclusion we regard as an essential element in the constitution. The local facts which have led us to raise the number of representative members from 16 to 47 do not apply to the nomination of the most eminent men in the State, and we retain the original number sixteen. It is not for us to restrict His Highness' freedom of choice in summoning his Councillors by name, but we would respectfully urge, firstly that they should be chosen from those whose actual and historical position in the State is so eminent that they would naturally be members of a second Chamber, if such were constituted, secondly that they should not be officials, and thirdly that in order to preserve the balance of the communities, no fewer than five should be

Muslims. It would also be advantageous if one State Councillor were a Sikh who could help to harmonize the more purely local views of the representative Sikh members. Fourthly we recommend that in view of their historical position in the State, four of the State Councillors should be Rajputs and four should be Ilaqadars or Jagirdars.

We propose that the State Councillors should remain members for more than one term of the Assembly, and that a Councillor nominated to fill a vacancy should hold his seat for the next half term. This would secure some continuity in the advice which the Assembly could tender. It has a parallel in the British Municipal system. As we recommend later a three years term for the Assembly the State Councillors should be appointed for a term of 4½ years.

16. We recommend that the Assembly should be completed by the addition of twelve official members of whom six would be Ministers holding their seats *ex-officio*. Their presence is unquestionably necessary in order to state to the Assembly the views of the Government. It is similarly desirable to have in the Assembly Heads of Departments who have expert knowledge; the remaining six official seats would enable His Highness to make such nomination as might be required for presenting this expert official knowledge and we recommend that one of these six official seats should be for an official of Poonch, to be nominated by the Ilaqadar with the approval of His Highness.

17. We can now conveniently tabulate the proposed composition of the Assembly.

Constituencies.	Muslim.		Hindu.		Buddhist.	Sikh.	
	Elected.	Nominated.	Elected.	Nominated.	Nominated.	Elected.	Nominated.
Jammu City ..	1	....	2	....	....	....	....
Jammu Wazarat ..	1	....	1	1	....	....	....
Udhampur ..	1	....	1	1	....	....	....
Chenani ..	....	....	....	1	....	....	....
Reasi ..	1	....	1	....	....	....	....
Kathua ..	1	....	1	....	....	....	....
Mirpur, Hindu ..	....	....	1	....	....	....	....
Mirpur-Kotli ..	1	....	....	....	....	....	....
Bhimbar ..	1	....	....	....	....	....	....
Poonch, Hindu ..	....	....	....	1	....	....	....
Haveli Mendhar ..	1	....	....	....	....	....	....
Bagh Sudhnuti ..	1	....	....	....	....	....	....
Mirpur-Poonch, Sikh ..	....	....	....	....	....	1	....
Srinagar City ..	5	....	2	1	....	....	....
Tehsil Khas Pulwama ..	1	....	....	....	....	....	....
Anantnag ..	1	....	....	....	....	....	....
Kulgam ..	1	....	....	....	....	....	....

D-116

Constituencies		Muslim.		Hindu.		Buddhist.	Sikhs.	
		Elected.	Nominated.	Elected.	Nominated.	Nominated.	Elected.	Nominated.
Kashmir South, Muslim	..	....	1	..	....	....	....	....
Handwara	..	1	....	....	....	....	....	....
Badgam	..	1	....	....	....	....	....	....
Baramulla	..	1	....	....	....	....	....	....
Kashmir North Muslim	..	....	1	....	....	....	....	....
Muzaffarabad	..	1	1	....	....	....	....	....
Kashmir, Hindu	..	....	....	1	....	....	....	....
West Kashmir, Sikh	..	....	....	....	....	....	1	....
East Kashmir and Jammu, Sikh.		....	....	....	....	....	....	1
Ladakh	..	....	2	....	....	2	....	....
Gilgit	..	....	1	....	....	....	....	....
Total	..	21	6	10	5	2	2	1

Total members with 16 State Councillors and 12 officials ... 75

33 elected members (21 Muslims, 10 Hindus, 2 Sikhs).

30 nominated members.

Minimum number of Muslim members .. 32 } excluding the 12 officials.

Maximum number of Hindu members ... 25 }

18. We do not recommend that there should be special representation either of the Rajputs or of the land-holders or of traders or of the depressed classes or of labour. The first two groups would have their representatives among the State Councillors; so too might trade, and we have considered the trading interest when giving weightage to the cities; and we have already stated our views and made provision for the depressed classes. Neither these nor the labourers would normally be represented in the first stage of constitutional development. We have no evidence of any serious organization of labour as a separate class. We consider however that the provision of extra nominated seats in the Kashmir Muslim constituencies would give His Higness an opportunity of selecting one or two members who would be more directly interested in the welfare of the labouring classes, in the same way as the Jammu and Udhampur Hindu nominated seats can be used for the representation of the lower orders of the Hindus.

We may add here a recommendation that in no case should a candidate who has been defeated in an election be nominated to a seat in the same term of the Assembly. This is a convention in the practice of British India, for obvious reasons.

19. We conclude this portion of the Report with certain recommendations about the Assembly, though we do not consider it to be our province to

P 117

discuss its powers; we have made our proposals as to its composition on the assumption that its powers will be on general lines similar to those recommended by Mr. Glancy.

We would desire that in accordance with the practice in British India in earlier days when the Councils were formed, the Prime Minister should be the President of the Assembly. But we recognize that to act throughout a session both as President, responsible for the procedure of Assembly, and as Leader of the House, responsible for the presentation of the views of the Government, would be an impossible addition to the Prime Minister's duties. We therefore recommend that His Highness should appoint another Minister, preferably the Judicial Minister, to preside over the Assembly, and be in permanent charge of the Assembly office. It may be ordered that in the unavoidable absence of the Minister particularly appointed as President, any other Minister may act as President. It is obvious that these duties will demand an officer with full experience in the transaction of official business, and that the election of an untrained non-official cannot yet be contemplated.

✓In the experimental stage we think that there should be a dissolution in the ordinary course after three years.

✓The term of the nominated members, other than of the Ministers and State Councillors, should be the same as that of the elected members.

20. There are five general conditions which must govern any system of Franchise. Two are of minor practical importance, and we only follow ordinary usage in saying that:—

(1) persons of unsound mind cannot vote, and

(2) persons may be disfranchised for corrupt practices at an election.

The other three general conditions are those of:—

(1) nationality,

(2) sex, and

(3) age.

There should be no question that every elector must be a State-subject; this is the essential bond of unity in an electorate which is so separated by natural conditions and by religion, and we might add that this is one point on which the majority of our witnesses are agreed. We do not propose that for the purpose of enfranchisement the existing law defining a State-subject should be changed. Mr. Glancy's remarks on this point exaggerate the issue and we do not understand his reference to "hereditary State-subjects" or to "domicile in the State for a thousand years." The present definition, if applied to the franchise, would admit persons who have acquired immovable property in the State and have ten years' continuous residence. It is our general principle that the new constitution must be evolutionary; it should rest on existing conditions in the State and not on a priori ideas or on blind imitation of the practice in other countries. If for general reasons, and after hearing the advice of the new Assembly, His Highness the Maharaja Bahadur decides to alter the law, that would automatically affect the franchise; but the franchise now must be based on the present definition, and only State-subjects of the three classes as now defined should be qualified to vote or to be elected as members.

The same principle leads us to agree with Mr. Glancy that women in general should not be enfranchised. We have had a representation from the local branch of the All-India Women's Conference, and some of our Hindu witnesses have favoured women's suffrage. But it is obvious that the majority of the population would not welcome this and we must add the practical consideration

P-118

that the inclusion of women voters in any large number would increase the administrative difficulties of the first election. At the beginning the most that we can do is to admit women who have a sufficient educational qualification.

As regards age we follow the general practice that a voter must be 21 years' old when the electoral roll is published. We note that this means a small reduction in the figures of 'adult males' which we have quoted from the census.

21. Only one witness has urged adult male suffrage, and it is not necessary for us to consider this question either as an immediate issue or as the goal for the future. Adult male suffrage would require at least 1,300 officials of standing to act as presiding officers at the election, besides more than 3,000 clerks. Besides being premature now, it is administratively impossible.

Just as many of the opinions expressed to us on the composition of the Assembly have been of no help because the witnesses have assigned seats to the different communities by percentages, without considering what the constituencies actually should be, so the attempt to create an electorate on a fixed percentage of the population as well as on personal qualifications has led our witnesses into logical and practical difficulties; one witness, regardless of finance, has proposed that there should be a special electoral census, in order that the Government may ascertain the exact figure of land revenue payment which would qualify precisely 10 per cent. of the people, another witness takes the line that 10 per cent. should be enfranchised in each district, and that the personal qualifications should be varied accordingly from district to district. We must repeat that 10 per cent. was an arbitrary figure taken by the Statutory Commission as a rough guide in conditions which do not as yet apply to Jammu and Kashmir. The simple fact is that no uniform personal qualifications can give the same numerical result all over the country. We must leave these arbitrary figures and base our scheme of qualification on reasoned grounds.

22. We may begin by admitting to the franchise all those whose position is already representative, and who therefore may justly represent their fellows at an election. These are the Zaildars, Safed-poshes and Lumberdars, who in districts where there are many villages are very numerous. There are also the religious representatives, the Imams, Mufties and Qazis, the Adhisthatas of temples, the Bhais and Granthis of Gurdwaras and ordained Ministers of the Christian church.

A second group includes those whose prominence or responsibility are shown by the fact that they have received titles in the State or in British India, or are receiving pensions of not less than Rs. 10 a month, or are retired or pensioned officers or N. C. Os. of the regular military forces. To these we may add, without straining our principle, the retired soldiers, who certainly hold a distinguished place among their fellows.

Our third group would include those whose education or subsequent attainments have clearly fitted them for a part in a modern constitutional system. We would enfranchise as such the Lawyers, Doctors, Hakims, Vaids and Schoolmasters, who are actually practising in the State. To these we would add those who have at least passed through the Middle School or an equivalent educational test, as well as those who have had higher education.

Lastly there must be the principal mass of electors, who can voice the feelings of the ordinary citizen, but who must be expected to do so with some degree of responsibility. For this purpose property is the only possible test, in this State as elsewhere, but we think it necessary to make the property test a low one, in order that the Government may be quite sure that at an election the ordinary people are really represented. We agree with Mr. Glancy in putting the basic figure for the payment of land revenue as low as Rs. 20, a lower figure than is in force in the Punjab, but, in order to secure an adequate urban electorate we prefer Rs. 600 as the value of immovable property other than land which should

p-119

qualify a person to give a vote, instead of Mr. Glancy's figure of Rs. 1,000. These qualifications must be supplemented by a similar qualification for occupancy tenants, and by a slightly higher qualification for the holders of Ilaqas, Jagirs, Guzaras and revenue-free land. We add a grazing-fee qualification in order to enfranchise persons of settled habitation whose property is in live-stock. We adopt in all these cases the Punjab rule which enables co-sharers to vote if the value or their share would, if partitioned, come within the prescribed limits. We have not delayed the submission of this report in order to complete or test the figures which we have been collecting of the number of voters which these property qualifications would produce; but we are satisfied that the number will not be so great as to make the conduct of the elections too difficult for a limited official staff, whereas lower rates would certainly lead to practical difficulties in some parts of the State. Our scheme would enfranchise more than 10 per cent. of the adult male population, and would give to the small revenue payers and the small house-holders a great and often a decisive influence on the election. As there can be no doubt that these men are not distinguishable in feeling from the mass of the people, our object would be attained; our electorate would comprise all State-subjects who had raised themselves to a responsible position, and all who were educated, and also a large number of voters who would both be completely in touch with the masses and yet have the responsibility induced by the possession of their small property.

23. We have, in conclusion, to express our views as to the qualifications for candidates for election. The object of the election system being to secure the real representation of local opinion, no one should be entitled to be a candidate for a constituency in which he is not resident and registered as an elector; but for this purpose registration in any part of a city should qualify an elector to contest any seat of that city, although it is divided into single-member constituencies. The object of convening the Assembly being to obtain responsible assistance in legislation, we are justified in raising the age of candidates to 25, agreeing in this with Mr. Glancy and many of our witnesses. Lastly we recommend, in agreement with Mr. Glancy, that every candidate must be able to read and write the Urdu language, which will be the language in which the Assembly will conduct its business.

24. As a summary of this part of our recommendations we append a draft of the relevant electoral rules. We are preparing, on established models, rules to govern the detailed procedure of elections, which it is not necessary for us to discuss in this Report.

Draft Electoral Rules.

1. Every person shall be entitled to be registered as an elector on the electoral roll of a constituency who is not subject to any of the following disqualifications, namely :—

(*a*) is NOT a State-subject of any class, as defined in Notification 1-L/1984, dated Jammu, 18th April 1927; or

(*b*) has not attained the age of 21 years on the first day of the month on which the roll is published ; or

(*c*) has been adjudged by a competent court to be of unsound mind; or

(*d*) if a female, has not obtained the Middle School certificate, or any other certificate mentioned in rule 4 (7) below or a certificate of having passed some higher examination;

and who HAS the qualifications prescribed for an elector of that constituency in rules 2, 3 and 4.

P 120

2. A person shall be qualified as an elector

(*a*) in a Muslim constituency, who is a Muslim,

(*b*) in a Sikh constituency, who is a Sikh, and

(*c*) in any other constituency, who is neither a Muslim nor a Sikh.

3. A person shall be qualified as an elector of that constituency alone in which he or she ordinarily resides or carries on business.

Provided that no person shall be entitled to have his name entered on the roll of more than one constituency but he can choose the constituency on whose roll his name may be entered.

4. A person shall be qualified as an elector who has any one of the following qualifications:—

(1) is a Zaildar, or Safed-posh, or Lumberdar, or

(2) is an Imam of a mosque, or Mufti or Qazi, or an Adhisthata of a temple, or a Bhai or Granthi of a Gurdwara, or an ordained Minister of the Christian church, who has been acting as such for a period of not less than six months prior to the preparation of the electoral rolls, or

(3) is a recognized title-holder, or

(4) is a retired or pensioned officer, non-commissioned officer or soldier of His Majesty's or His Highness' regular forces, provided that he has not been discharged therefrom with ignominy, or

(5) is a pensioner who receives a pension of not less than Rs. 10 a month from a treasury in this State or any other, or

(6) is a Doctor, or Hakim or Vaid, or Lawyer, or School-master actually practising his profession within the State, or

(7) has obtained the Middle School certificate, or a certificate of having passed the Budhiwan, Rattan, Adib, Munshi, Moulvi, or Prajna examination, or a certificate of having passed some higher examination, or

(8) is the owner of land assessed to land revenue of not less than Rs. 20 per annum, or

(9) is an Ilaqadar, or

(9) (*a*) is a Jagirdar, Muafidar, or Guzarakhar holding an assignment of not less than Rs. 20 per annum, or

(10) is a tenant with right of occupancy paying rent of not less than Rs. 20 per annum, or

(11) is the owner of immovable property, other than land, within the State, of the value of not less than Rs. 600, or

(12) pays grazing-fees to the Government of not less than Rs. 20 per annum and is not a Bakarwal.

5. Where two or more persons are co-sharers in land assessed to land revenue, or in an assignment of land-revenue, or in other immovable property, or in a tenancy, every person shall be qualified as an elector who would be so

p-121

qualified if his share in such land, property, assignment or tenancy were held separately. The share of any such person who is under 21 years of age shall be deemed to be the share of his father, or if his father is dead, of his eldest brother, provided that his father or eldest brother as the case may be, is a co-sharer with him in the property.

If on division, none of the persons would be entitled to vote, any one or two or such number of them shall be entitled to vote as the number of times the total revenue or assignment of land-revenue or rent of tenancy is divisible by 20 or the value of immovable property is divisible by 600. The co-sharers shall appoint by name the persons so entitled to vote as electors.

6. For the purpose of these rules a person shall be deemed to have owned property or to have paid fees for any period during which the property was owned or the fees paid by any person through whom he derives title by inheritance.

7. (1) An electoral roll shall be prepared for every constituency on which shall be entered the names of all persons appearing to be entitled to be registered as electors for that constituency. It shall be published in the constituency together with a notice specifying the manner in which and the time within which any person whose name is not entered in the roll and who claims to have it inserted therein, or any person whose name is on the roll and who objects to the inclusion of his own name or of the name of any other person on the roll, may prefer a claim or objection to the Revising Authority.

(2) The orders made by the Revising Authority shall be final, and the electoral roll shall be amended in accordance therewith and shall, as so amended, be republished in such manner as the Government may prescribe.

8. No person shall vote at an election if on the date on which the poll is taken he is undergoing a sentence of imprisonment, or if he has been bound over to be of good behaviour and the period of the bond has not yet expired.

9. A person shall be eligible for election as a member of the Assembly for a constituency if he is

(*a*) over 25 years of age, and

(*b*) can read and write the Urdu language, and

(*c*) is registered as an elector for that constituency, or if the constituency is an urban constituency is registered as an elector in the city of which the constituency forms a part, and

(*d*) has ordinarily resided or carried on business in the constituency or city for the twelve months preceding the first day of the month on which the roll is published.

NOTE.—For the purpose of this rule, a person may be presumed to reside in a constituency if he owns a family dwelling-house or a share in a family-dwelling-house in the constituency, and that house has not during the twelve months been let on rent either in whole or in part.

10. A person against whom a conviction by a criminal court for an offence punishable with a sentence of imprisonment for a period of more than six months is subsisting shall, unless the offence of which he was convicted has been pardoned, not be eligible for election for five years from the date of the expiration of the sentence.

11. A person shall not be eligible for election if he is an undischarged insolvent, or being a discharged insolvent has not obtained from the court a certificate that his insolvency was caused by misfortune without any misconduct on his part.

12. The name of any person who has been found guilty of a corrupt practice, under any rules in force regarding elections, shall be removed from the electoral roll, and shall not be registered on an electoral roll for a period of five years from the date of the finding, and such person shall not be eligible for election to the Assembly for such period.

JAMMU :
30th December 1933.

(Sd.) BARJOR DALAL ... *President.*
" KARTAR SINGH ... *Member.*
" ABDUL QAYOOM ... "
" IVO ELLIOTT ... "

Source: Report of the Franchise Committee
H. H. Govt. J&K
Jammu. 1934.

demarcation of the powers of the centre and the state. The fact that concurrence of the state government is a condition precedent to the extension of the centre's field to the state beyond the three subjects surrendered to the centre in the Instrument of the state's accession, it is a sound democratic basis of the state's partnership in the Indian federal set-up.

It is on the sheet anchor of this special relationship that the state's consembly modelled the Constitution for which it was brought into existence way back in 1951. However, we may perhaps be justified in concluding this study with the age-old statement that the Constitution-making is an unceasing and continuous process, being co-extensive with a society under steady development and change.

P-123

29

Dt 17 oct. 1934

Appendix I

BY HIS HIGHNESS RAJA RAJESHWAR MAHARAJADHIRAJ SHREE MAHARAJA HARI SINGHJI BAHADUR INDAR MAHINDAR SIPAR-I-SALTANAT-I-INGLISHIA MAHARAJA BAHADUR OF JAMMU AND KASHMIR

A PROCLAMATION

We recently expressed *our* wish and pleasure that means be designed whereby *our* people may be more closely associated in our councils; and in pursuance of *our* commands thus declared, those persons appointed by US to give practical shape to *our* wishes have submitted their recommendations which have been accepted by *us*.

The assemblage here present this day is the outcome of their labours to give outward form to our behests. It is the first of its kind in recent times; but, of old, the duties, which you will have to perform, were duties which were always shouldered, and loyally discharged, by the "Praja" ever since the institution of monarchy came into being in this ancient land of India. To acquaint themselves with the needs of their people the Kings of old have caused to be performed, and maintained, bodies from village Panchayats upto assemblies of this nature, composed of the representatives of the various interests in their kingdoms, *our* own records bear witness to this.

For *our* part *we* declare that Divine Providence having laid upon *us* the sacred duty to care equally for all those committed to *our* guardianship, we can recognize no difference between one person and another or between one class and another. They are all *our* beloved children, whatever their persuasion or creed, and *we* desire to protect, foster, guide, and advance them by every means in *our* power.

Out of the great love and affection *we* bear *our* beloved subjects, *we* have called you to do your part in working for the well being of this State. *We* have appointed your task and indicated the lines of the service you can render to yourselves and to your Ruler, whose ordained duty it is to safeguard and promote your best interests. *We* desire you to enter upon the discharge of your responsibilities in such a way that your behaviour may be an example to others and your achievements at once a model for them to emulate and a monument to your own earnestness and your loyalty to the State that you serve.

No one here today can fail to realise that both in theory and practice, the existence of a stable society and a peaceful community, involves, and presupposes, a head, whose sway must be ungrudgingly accepted, and whose behests must be loyally carried out, if the harmony and orderly progress of the community is to be achieved. In recent times, certain nations have departed from this, and the world has witnessed the sorry spectacle of chaos and anarchy. The fate of these nations should provide us with an object lesson. Those who have chosen precipitately to break from their ancient moorings have not yet found the haven of peace; they are still floundering in stormy waters. Peace and harmony are the essential conditions of progress and prosperity, and all can see that the world of the present day, after experiencing the storm and stress of unsettlement, is once again discovering the axiom that peaceful progress, even if slow, is in the long run the best, indeed, the only, way.

Beware of impassioned utterances so much in vogue today. They invariably formulate unbalanced and unpractical ideals that are as much divorced from decisive factors and stern realities as they are foreign to the genius of *our* race. Cultivate sobriety of thought and expression, shunning all that is disruptive, and devote all your energies to creative and constructive work which alone can help to ameliorate the lot, and conduce to the happiness, of those whose spokesmen you have

undertaken to be.

With these words of counsel and admonition by which *we* hope to plant the feet of *our* beloved subjects on the path of solid progress and achievement, *we* hereby declare this Praja Sabha (State Assembly) duty and well inaugurated and opened.

May the Dispenser of all Bounties in His infinite mercy and wisdom bless your labours, and may those labours, conducted in perfect harmony, redound to the credit of *our* subjects whose first chosen representatives you are, and to the glory of *our* unique heritage and of the body politic.

Srinagar
The 17th October, 1934

(Source : Bhushan, Vidya : State Government And Politics J K Book House Jammu 1985 PP 353—355)

(30) P-126

In his presidential Address, after being unanimously elected to ~~the~~ the office of presidentship of the All J&K Muslim Conference, Shaikh Mohd. Abdullah said:—

Sources: Saraf, Mohammad Yusuf: Kashmiris Fight For Freedom ~~483~~

~~Source M.Y.S P. 483~~

Vol I op. cit. 483

In his presidential address, after being unanimously elected to the office, Sheikh Mohammad Abdullah said:

> "During the reign of Maharaja Pratap Singh, Hindu Ministers with Hindu revivalist thinking left nothing undone to suppress the Muslims and subjected them to such oppression that signs of an awakening began to make their appearance which is proved by the incidents at the Silk Factory and the famous memorial presented to the Viceroy; the incidents, however, failed to open the eyes of the rulers; instead, they attempted to tighten their grip so much so that it led to a ban on Khutba on the day of Eid and the extremely provocative incident of 'Tauheen-e-Quran'.......
>
> We are extremely grateful to the Muslims of India in general and those of Punjab in particular for their unparalleled sacrifices and total sympathy in course of our trials and tribulations. We are also thankful to the Muslim press of the sub-continent for having so effectively represented our case.......
>
> Our Movement is not directed against the minorities. I assure all my countrymen, be they Hindus or Sikhs, that we shall always try to redress their grievances but they must also respect our just rights."

~~Appendix II~~

THE NATIONAL DEMAND

As is now well known there is a nation-wide movement afoot among the people of the Jammu and Kashmir State to bring about a complete change in the social and political outlook of the people. This movement is not confined to any particular community or section of the public but all classes of people have begun participating in it with the fullest consciousness of the issues it involves. But we do make it perfectly clear at the very outset, that our loyalty to His Highness' person and throne is unswerving and needs no reiteration.

The ultimate political goal of this movement is the achievement of complete Responsible Government under the aegis of His Highness the Maharaja Bahadur. But as sponsors of this National movement we feel that it is our bounden duty to acquaint all our country-men as also others who are interested in it of the immediate objective we have in view. It is with this purpose that we are issuing the present manifesto and we sincerely trust that it will not only convey a fair idea of our immediate aims to all concerned, but also remove all those misunderstandings that are being deliberately disseminated from various interested quarters. Our movement is essentially a movement of peace and goodwill. Immediately, it aims at securing the elementary and basic rights of citizenship. It shall certainly try to bring about such a state of affairs in this country as would make it possible for even the humblest subject of His Highness to contribute to making of his own destinies. Our demands are modest, but they have the force of reason and justice behind them. Not that we are not conscious of our limitations. Not that we are not fully

aware of the fact that the Government knows its mind and has resources at its disposal to enforce its will. But in the soul-stirring words of Pt. Moti Lal Nehru, "However much we may be enfeebled in body, our soul has never been nor will ever be killed".

Our movement has a gigantic urge behind it. It is the urge of hunger and starvation which propels it onwards in most adverse circumstances.

The ever growing menace of unemployment amongst our educated youngmen and also among the illiterate masses in the country, the incidence of numerous taxes, the burden of exorbitant land revenue, the appalling waste of human life due to want of adequate modern medical assistance, the miserable plight of uncared for thousands of labourers outside the State boundaries, and in face of all this the patronage that is being extended by the Government in the shape of subsidies and other amenities to outside capitalists, as also the top heavy administration that daily becomes heavier, point to only one direction that present conditions can never be bettered as long as a change is not made in the basic principles that are underlying the present system of Government.

Ours is essentially an age of progress. Systems that were in vogue yesterday are pronounced obsolete to-day. Fresh forces are daily making their appearance on world's stage. In British Indian Provinces fullest autonomy has been introduced and before long they will have a large measure of responsibility at the centre. These are all our neighbours and some of them can in no way favourably compare with us in the matter of population, literacy and other tests. Can we remain untouched by all this? It is impossible for any power on earth to crush an idea when it has once taken root in men's minds. An idea, all of us know, has been pronounced as the most dynamic of all world forces. The force of this argument has not failed to make an impression on the minds of such British statesmen as Lords Winterton and Lothian who have more than once expressed themselves in sympathetic agreement with the legitimate aspirations of the State subjects.

Our cause is both righteous, reasonable and just. We want to be the makers of our own destinies and we want to shape the ends of things according to our choice, of course under the august patronage of His Highness.

We have also come to the conclusion that without such a change it is impossible for the communities individually or the country collectively to progress. We are, therefore, of this firm belief that the Government of His Highness should before long be modelled on the following lines :

(A) The present system of administration in the State shall be replaced by Responsible Government subject to the general control and residuary powers of His Highness the Maharaja Bahadur as hereinafter mentioned.

(B) The Ministry shall be responsible to the Jammu and Kashmir Legislature and shall have, subject to such responsibility, power to control the expenditure of the revenues of the State and also to make such grants and appropriation of any part of those revenues, or of any other property, which is at present under the control or disposal of the council as reserved expenditure, save and except the following, which shall remain under the control of His Highness the Maharaja Bahadur :

1. Expenditure of the Military services. 2. Expenditure classes as political and foreign. 3. Payments of all debts and liabilities hitherto lawfully contracted and incurred by His Highness in Council on account of Government of Kashmir. 4. The Dharmarth Trust.

(C) The principle of Responsibility to the Legislature shall be introduced in all branches of administration of the Government subject to general control, reservations and residuary powers vested in His Highness in respect of control of Military, foreign and political affairs etc., provided that the proposal of His Highness for appropriations of any revenues or moneys for Military, or other expenditure for foreign and political purposes, shall be submitted to the vote of the Legislature, but that His Highness shall have power notwithstanding the vote of the Assembly to appropriate upto a fixed maximum any sum His Highness may consider necessary for such expenditure.

(D) The Legislature shall consist entirely of members elected by constituencies formed on the system of adult franchise provision should be made for the representation of labour, trade, landlords and educational interests in the Legislature by means of election.

(E) The election to the Legislature shall be made on the basis of joint electorates; seats should be reserved for the minorities and all other safeguards and weightages would be guaranteed to them in the constitution for the protection of their legitimate linguistic, religious, cultural, political and economic rights according to the principles enunciated, accepted or acted upon by the Indian National Congress from time to time. In addition to the above the religious rights and sentiments of all the communities should always be respected and not interfered with.

(F) All the subjects of State, without distinction of creed or caste, shall be admitted for services in all armies of defence and for that purpose His Highness shall be assisted by a Minister responsible to the Assembly.

(G) No subject of His Highness shall be liable to suffer in liberty, life, property, or of association and free speech or in respect of writing except under sentence by an ordinary court of Justice and as a result of lawful and open trial.

We have given in a nutshell our immediate objective. We know that all this cannot be given for the mere asking. It requires wise statesmanship from the side of the Government. Our earnest desire is to avoid a strife. Let Government make an announcement accepting the above principle, and if His Highness' Government is pleased to discuss these principles with us we shall certainly and whole-heartedly co-operate for this purpose. We are sure that if this is done there will reign peace all round.

(Sd.) S.M. ABDULLAH, KASHYAP BANDHU, M.M. SAEED, G.M. SADIQ, P.N. BAZAZ, S. BUDH SINGH, JIA LAL KILAM, G.M. BAKSHI, SHAM LAL SARAF, SHAMBOO NATH PESHIN, M.A. BEG, AHMAD YAR, AUGUST 1938.

(32) P132

On 28th June, 1938, the Working Committee of the Muslim Conference met in Srinagar to consider the question of changing the name of the party. After marathon discussions lasting five days and spread over fifty-two hours, it passed the following resolution:—

of 28th June 1938.

> "Whereas in the opinion of the Working Committee the time has now come when all the progressive forces in the country should be rallied under one banner to fight for the achievement of Responsible Government, the Working Committee recommends to the General Council that in the forthcoming annual session, the name and the constitution of the organisation be so altered and amended that all people who wish to participate in the political struggle are enabled to become members of the Conference irrespective of their caste, creed or religion."

According to Mr. Rashid Taseer, Chaudhri Ghulam Abbas Khan, Sheikh Ahmed Din Banihali, Mr. Abdul Majid Qarshi and some other leaders opposed the resolution whereupon they were asked to resign from the party.[1] This they did not.

The resolution had now to be approved by a plenary session of the Party but before it could be done, a clash was precipitated by the Government. Raja Mohammad Akbar Khan of Mirpur had, sometime back, been sentenced to three years rigorous imprisonment and a fine of Rs. 100/- in connection with a speech delivered in criticism of the Government. Raja Akbar is remembered as a selfless political leader. A zamindar by birth with some landed property, he was the pillar of the Movement in his district. Simple of habits, he led an austere life and had great compassion for the poor. He founded and edited a weekly, "Such", published from Mirpur which was known for its fearless advocacy of the down-trodden.

P 133

Consequently, a special session of the Jammu and Kashmir Muslim Conference was held at Srinagar on the 10th and 11th June, 1939, under the presidentship of the known-leftist Khawaja Ghulam Mohammad Sadiq. It was attended by all the prominent leaders and workers of the Party, Maulana Mohammad Saeed Masudi, Chairman of the Reception Committee, introduced the following resolution:—

> "The special session of the Jammu and Kashmir Muslim Conference approves the Working Committee Resolution No. 5 of 28th June, 1938, for the change of the name of the Conference and for bringing about the necessary amendments and changes in its Constitution, which was confirmed by the General Council in its session held on the 27th of April, 1939.
>
> This Conference, therefore, decides that it shall henceforth be named as All Jammu and Kashmir National Conference and every citizen of Jammu and Kashmir, who is a major, whether male or female, shall, irrespective of his religion or race, be entitled to

The Resolution adopted by the J&K Muslim Conference in a special session Srinagar 11th June 1939.

Source: Saraf, Mohammad Yusuf: Kashmiris Fight for Freedom op.cit p. 528

~~MYS-PP 528-529~~

become a member of the Conference, provided he undertakes in writing to have the setting up of a Responsible Government and the securance of individual liberties as his political goal.

This session also resolves that until the next annual session, the existng Working Committee and the General Council, the office bearers and delegates to this Conference shall function in the same capacity as office bearers and members of the All Jammu and Kashmir National Conference."[1]

The presidential Address of G.M. Sadiq in All J&K. National Conference held on 11th june 1939.

Khawaja Ghulam Mohammad Sadiq said in his presidential address:—

"Any responsible Government cannot be the Government of any particular class or party or religious group but, on the other hand, every individual comprising the forty lac inhabitants of the State will be a component part of the same and will have the same share in running it; it is, therefore, essential that in the struggle for the attainment of responsible Government, every citizen of the State, irrespective of religion or race, should be able to participate and make his contribution; for channelising these sacrifices and conducting the Movement in an orderly manner, a common platform in the shape of a single Organisation is the first important step.

The proposal (to change the name of the Party moved in the last session at Jammu) *was kept pending so that on the one hand, public opinion is elicited and on the other, the doubts existing in certain sections of Muslims, Hindus and Sikhs in this behalf, could be removed. But much time had not as yet elapsed when political conditions in the sub-continent began rapidly moving. The question of the State's participation in the Federation assumed greater importance; the Viceroy intensified his efforts to win over the Princes and our State silently decided to join the Federation. It is for this reason that the question of forming a common platform could* not be further postponed."[2]

Source: Saraf, Mohammad Yusuf Kashmiris Fight For Freedom op.cit P.528

33

P13

On February 11, 1939, the Maharaja issued a proclamation sanctioning further constitutional advances.[138] The main features of this proclamation were as under[139] :

(i) The number of elected members in the Praja Sabha was increased to 40 from 33. Thus it provided for an elected majority in the Praja Sabha, where previously there had been an official majority.

(ii) The Sabha was to be given the power to elect, from its non-official members, a Deputy President.

(iii) The appointment of the non-official members as Under Secretaries would be made on the recommendations of the Praja Sabha. This was to ensure a closer association between the Government on the one hand and the members of the Praja Sabha and the Constituencies on the other.

(iv) The Praja Sabha was granted the right to vote (with exceptions of certain non-votable items, like His Highness' privy purse etc.) on the demand made by Government for budget appropriations. This definitely was an important step in the Constitutional history of Kashmir. But the seven seats in the Praja Sabha which were thrown open to election in reality, only increased the representation of the vested interests. These seven members were to be elected by "Tazimi" Sardars (Chief Landholders, Jagirdars, Estate-owners), small land-holders and the pensioners of the State. Although an advance, these constitutional provisions could by no means be regarded as intended to create a democratic system of Government.

(Source)

[138] (i) His Highness *Proclamation* dated 11-2-1939.
(ii) Government of Jammu and Kashmir : *A Handbook of Jammu and Kashmir*, 3rd Edition, 1947, p. 35.
(iii) His Highness Government : *Jammu and Kashmir Papers* relating to Constitutional Reforms (Confidential), 1939, p. 1.

[139] "*Kashmir*", op. cit., p. 19.

34

P136

With an
Introduction
by
SHEIKH MD. ABDULLAH

New KASHMIR

P-137

Constitution and outline Economic

ONSTITUTION and OUTLINE ECONOMIC LAN for the State of Jammu and Kashmir, including Ladakh and the Frontier regions and the Poonch and Chinani 'ilaqas'.

Printed by Sitaram Gunthey at the National Herald, Lucknow, and
Published by Mr. K. N. Bamzai, The Director, Kashmir Bureau of
Information, 5, Pirthvi Raj Road, New Delhi.

CONTENTS

VARDS NEW KASHMIR

Sheikh Mohammad Abdullah

HE CONSTITUTION

- Citizenship: Its basic rights and obligations.
- The National Assembly.
- The Council of Ministers of the State.
- The Ruler of Jammu and Kashmir.
- Electoral System.
- Justice: the Courts and the Advocate-General.
- The Advocate-General and State Advocate.
- Local Administration.
- National Languages.
- Amendments to the Constitution.

THE NATIONAL ECONOMIC PLAN

SPECIFIC AIMS OF PLANNING

1. Production.
   - *a.* Agriculture.
     - The Peasant's Charter.
   - *b.* Industry.
     - The Worker's Charter.
2. Transport.
   - *a.* Air.
   - *b.* Road.
   - *c.* Water.
3. Distribution.
   - *a.* Marketing.
   - *b.* Trade and Commerce.
4. Utility Services.
   - *a.* Public Health.
   - *b.* Education.
   - *c.* House Planning.
   - *d.* Cultural Organisations.
   - *e.* Social Insurance.

Currency and Finance.

The Women's Charter.

Here is the most comprehensive, factually documented survey of the causes of poverty and degradation in the 'Sunlit Valley of Plenty' and possible methods of effecting a cure; an important contribution by the National Conference to the most important of public discussions. A striking characteristic of the Report is its practical idealism and its keen sense of human values. Here is a dynamic and historic document for the re-planning and re-building of New Kashmir to fit its industrial, social and cultural structure to the requirements of the modern world. You willl find in this work the difficult facts and problems of Electoral system, National Language, Production, Women's Charter, Utility Services, Distribution and Transport marshalled in order with their recommended solutions.

K. N. B.
K. K. K.

INTRODUCTION

"Progress is a relay race. It is no easy race. History has known the invasion of vandals, the 'sinister self-righteousness' of the Inquisition. But every new generation has received the torch from the bleeding hands of men of thought and light. Today this torch is firmly grasped in our hands".

Recently I was reading these words of a world-famous writer who is playing his part in the great struggle of the freedom-loving peoples of the world. And with it came the thought that we, the members of the All-Jammu and Kashmir National Conference, are fighting the same battle. The fight is no new one for us: it has got its own heritage of the past, and it has its own vision of the future. But the fundamental elements of the fight are the same. It is for the poor, against those who exploit them; for the toiling people of our beautiful homeland against the heartless ranks of the socially privileged.........

Our path in the past has been rough and stony, like the precipitous paths which wind up our mountains. The memory of our hundreds of martyrs is still green. Every year their graves are covered with the flowers of the people, and every year in their presence we renew our pledge to achieve the freedom for which they died.

And the problems we have faced, and still face, are no small ones. The State of Jammu and Kashmir is the biggest in India, covering 84,471 square miles of mountains and valleys, lakes and lowlands. It is a Frontier State of no mere local importance. Its boundaries touch British India, Republican China, Buddhist Tibet and Soviet Russia.

Between the snow-adorned barrier ranges of the Himalayas, and the earth coloured and sun-scorched plains of the Punjab, live our people, forty lacs of them, in Jammu and Kashmir, Ladakh and the Frontier Regions, in Poonch and the Chinani Ilaqas. Muslims, Hindus, Sikhs, Buddhists, Christians, Kashmiri Pandits, Jains, and Harijans inhabit the summer and winter Capitals of Srinagar and Jammu. Thirty-nine towns and nearly nine thousand villages, Ninety-six out of every hundred of our people draw sustenance from the land, and live in far-flung and isolated villages, oppressed by want and harried by disease. Their average yearly income barely reaches eleven rupees per head.

Therefore it has always been the goal of the National Conference to fight the immemorial poverty of the peasant and the artisan, and the unmitigated helplessness of the worker. Born in 1932 as the Muslim Conference, it immediately became the spearhead of the masses of Kashmir, more than three-quarters of whom are Muslims. It was during this period that the whole of India was shaken into new awakening following the Civil Disobedience movement of 1931, and it had its own psychological influence on us. The Conference, though Muslim in name and spontaneously formed as an expression of the deep-rooted sufferings of the people, was in spirit national, and was concerned with the welfare of all communities. That spirit is illustrated by what I said in 1935, in my appeal to men of all communities:

"My fight is for the emancipation ofmy country. Let us all rise above petty communal bickerings and work jointly for the welfare of the masses. I appeal to my Hindu brethren not to entertain imaginary fears and doubts. Let us assure them that their rights shall not be jeopardised if they join hands with the Mussulmans."

Our movement was dynamic, and, as the years went on, rooted itself more and more deeply into the soil of the State. It was only in the logic of things therefore that in 1938 we formally converted the organisation into the All-Jammu and Kashmir National Conference.

Since then we have weathered many storms, and passed throug hmany battles, and the Conference has grown from strength to strength, by virtue of its democratic ideal and its ever-expanding mass following.

During the whole of this period we have been pressing for responsible government and the economic amelioration of the peoples of the State. We reached our first constitutional milestone in 1932 when the Legislative Assembly was constituted consisting of seventy-five members, out of which, however, forty-two were nominated and only thirty-three were elected. The President was also an official. Representatives of the Conference entered the Assembly and constituted the largest single homogeneous group. This group carried our struggle right inside the walls of the Assembly Chamber.

These last few years, when the world has been tormented by war and the invader stands at the doors of India itself, the National Conference realised the supreme needs of the defence of the State, and that the problem of Kashmir was surrounded by the wider concentric circles of the problem of India and the problem of the world as a whole. Therefore as patriots our task was to save our people from hunger at home and add our strength to the anti-Fascist struggle for the people of India and the world.

Towards that end, we mobilised the entire organisational strength of the National Conference, and took our full share of the distribution of foodstuffs and fuel through People's Food Committees. Thus it was the National Conference which stood between starvation and the people, and rescued them from scarcity and want, in spite of bureaucratic interference and inefficiency.

1944 brings us to another milestone. The Working Committee of the National Conference, which always has its hand on the pulse of the people, feels that at this time, when political and economic systems are in the melting pot and ideas of a New World Order are being debated, it too must formulate more concretely its own conception of the New Kashmir it strives to build......

The history of freedom movements from the Middle Ages to modern times had only one lesson to teach—that freedom from all forms of economic exploitation is the only true guarantee of political democracy, and without it political freedom is a mere shibboleth. Even the winged ideals of "Liberty, Equality and Fraternity" of the French Revolution bought it the price of the people's blood, degenerated into the autocracy of Napoleon, because privilege and exploitation persisted in their old strongholds. Freedom and Privilege are the two sides of a pair of scales: as Privilege gets lighter, Freedom gets heavier.

In our times, Soviet Russia has demonstrated before our eyes, not merely theoretically but in her actual day to day life and development, that real freedom takes birth only from economic emancipation. The inspiring picture of the regeneration of all the different nationalities and peoples of the U. S. S. R., and their welding together into the united mighty Soviet State that is throwing back its barbarous invaders with deathless heroism, is an unanswerable argument for the building of democracy on the cornerstone of economic equality.

Thus the National Conference envisages the future of New Kashmir in both political and economic terms. Towards that end we have drawn up a scheme which politically is based on the democratic principle of responsible government, with the elective principle applied from the Local Panchayat right up to the National Assembly. This is linked with the independence of the judiciary, and the ultimate responsibility of the Executive to the people.

In the economic sphere, we have gone on the principle that planned economy is of the essence of progress, and that without it there can be no raising of the standard of living of the masses of the State.

Throughout the lean centuries of history, the poor and exploited sons of Jammu and Kashmir have been the palanquin bearers of Hindu monarchs and Buddhist rulers and Moghul emperors. The peasant sons of the valleys and the mountains have scratched only nine inches of top soil and eked out a bare existence. Now the time has come when they must dig deep into the bowels of the earth, and yoke the technique of modern science to the task of getting for themselves a bigger and better morsel of daily bread.

In our New Kashmir we shall build again the men and women of our State, who have been dwarfed by centuries of servitude, and create a people worthy of our glorious motherland.

S. M. ABDULLAH.

PUBLISHERS' NOTE

The test of statesmanship lies in finding a way to avoid depressions without plunging into war. That is the aim and hope of this report. We cure unemployment for the sake of waging war. We ought to decide to cure unemployment, the oppression of poverty and superstition, without war. The cure for the medieval darkness in Kashmir depends on finding a common objective that will be equally compelling on our efforts. The suggestions of "New Kashmir" are that we should find that common objective in determination to make a Kashmir free of the giant evils of want, disease, ignorance and squalor. We cannot cure through hate of Pakistan; we ought to cure it through hate of these giant evils. We should make these in peace our common enemy, changing the direction and the speed rather than the concentration and strength of our effort. Whether we can do this, depends upon the degree to which social conscience becomes the driving force in our national life. We should regard want, disease, ignorance and squalor as common enemies of all of us, not as enemies with whom each individual may seek a separate peace, escaping himself to personal prosperity while leaving his fellows in their clutches. That is the meaning of social conscience; that one should refuse to make a separate peace with social evil. Social Conscience, when the barbarous tyranny has ended, should drive us to different arms in a new war against these evils in Kashmir.

The worst feature of want in Kashmir is its concentration upon its workers, children, men and women. Wages are not adjusted in any way to family responsibilities—the various schemes have either ignored family responsibilities entirely or made inadequate provision for them. Want and its concentration on human beings represents a destruction of human capital none the less real because it did not enter into any economic calculus by the State. To free Kashmir from a needless scandal and a wasting sore—the "National Economic Plan" of the National Conference and also its "Utility Services" and "Women's Charter" will deliver at the same time the first blow in the war against Idleness. The re-distribution of income that is involved in abolishing want by social Insurance etc., will of itself be a potent force in helping to maintan demand for the products of industry, and so in preventing troubles. When democracy is built on the corner-stone of economic equality, the electorial system will be based on the basis of universal equal direct suffrage ballot and franchise shall be universal. The State will foster and encourage the growth and development of the National languages of the State and women will have her just and rightful place in the mighty and responsible task of nation-building. Removal of any economic barrier between patient and treatment is an essential negative step for bringing avoidable disease to an end. There is needed an immense positive extension both of preventive treatment and of curative treatment, through more and more hospitals, more and more doctors, dentists and other practitioners. There is needed, as an essential part of the attack on disease, a good policy of nutrition carried through by the wisdom of the State in using science. Here is a large field for communal outlay, using resources for purpose of high priority, in preserving the health and vigour of all.

Ignorance is an evil weed, which Pakistan may cultivate among its dupes, but which Sheikh Abdullah cannot afford among his citizens. Attack on it involves an immense programme (See 'Utility Services') of building schools, training and employing teachers, providing Scholarships to fit opportunity to young ability wherever it is found. The report in its sections on 'Distribution,' 'Production,'etc., have shown the task for pressing the attack on Ignorance with vigour and speed on all fronts. Learning and life must be kept together throughout life; the National Conference knows that democracies will not be well governed till that is done. The makers of this constitution and outline of Economic Plan, know and believe that in development of education lies the most important, if not the most urgent, of all tasks of reconstruction. The needs of civilized men are illimitable, because they include the wise, happy enjoyment of leisure.

The policy outlined in this Report is a policy of common action. If we attack with determination, unity and clear aim the giant evils of want, disease, ignorance and squalor, we shall destroy in the process their Confederate—the fifth giant of Idleness enforced by unemployment. The carrying out of the policy depends on the positive acceptance of a new responsibility by the State, that of ensuring adequate demand for the products of industry, however industry itself may be organized. The policy preserves all the essential liberties; the political advantages are great and should be used. The Constitution of 'New Kashmir' concentrates in the Government of the day the great power without which the problems of a great society cannot be solved. It makes the use of that power subject to continual scrutiny by the citizens and their representatives, and the power itself subject to re-call; the essence of democracy is effective means of changing the Government without shooting. Secondly the National Conference has a public service, central and local, second to none in the

world for efficiency, integrity and devotion to duty. Through these advantages, New Kashmir has a chance of showing, sooner and more easily than any other large nation, that democracy can order peace as well as war better than the dictators do.

But they have to win it, not wait for it. New Kashmir must be won by a democratic party. It is not a thing to be promised or not promised by a 'Government,' to be given or withheld as from Olympian heights. It is something that the National Conference should direct the Government to secure, at all costs save surrender of the essential liberties outlined in 'NEW KASHMIR.' If New Kashmir is not won and kept, no liberties are secure, for to many they will not seem worthwhile.

WE, THE PEOPLE OF JAMMU, KASHMIR, LADAKH AND THE FRONTIER REGIONS, INCLUDING POONCH AND CHINANI ILAQAS—commonly known as JAMMU AND KASHMIR STATE—in order to perfect our union in the fullest equality and self-determination, to raise ourselves and our children forever from the abyss of oppression and poverty, degradation and superstition, from medieval darkness and ignorance, into the sunlit valleys of plenty ruled by freedom, science and honest toil, in worthy participation of the historic resurgence of the peoples of the East, and the working masses of the world, and in determination to make this our country a dazzling gem upon the snowy bosom of Asia, DO PROPOSE AND PROPOUND THE FOLLOWING CONSTITUTION OF OUR STATE:

PART I

The Constitution of the State

Citizenship: Its Basic Rights and Obligations

1. A single State Citizenship is hereby established for all citizens of Jammu, Kashmir, Ladakh and the Frontier Regions, including the Poonch and Chinani *ilaqas*. S-123

The equality of the rights of all citizens, irrespective of their nationality religion, race, or birth, in all spheres of national life-economic, political, cultural, and social shall-be an irrevocable law.

Any direct or indirect restriction of these rights, or conversely the establishment of direct or indirect privileges for any citizens or class of citizens on account of nationality, religion, race or birth, as well as the propagation of national, racial or religious exceptionalism or hatred and contempt, shall be punished by law.

2. Freedom of conscience and of worship shall be guaranteed for all citizens.

3. In conformity with the interests of the people, for the purpose of promoting political awakening and strengthening the national resurgence, all Citizens shall be guaranteed by law: S-125

—Freedom of speech
—Freedom of the Press
—Freedom of Assembly and Meetings
—Freedom of Street Processions and Demonstrations.

4. In conformity with the interests of the people and for the purpose of developing self-expression through the organisation and political activity of the masses of the people, all Citizens shall be ensured the right of combining in public organisations: trade unions, co-operative societies, women's and youth organisations, sport and self-defence organisations, political parties, and cultural, scientific and technical societies. S-126

5. Inviolability of the person shall be ensured to all Citizens. No Citizen may be arrested or detained except by decision of a Court of Law, or by the sanction of the Advocate-General or State Advocate. S-127

6. The privacy of the homes and secrecy of correspondence of Citizens shall not be violated except in accordance with Law. S-128

7. The defence of the Motherland is the supreme and sacred duty of all Citizens. Treason to the Motherland—violation of oath, desertion S-133

P-149

to enemies of the Motherland, impairing the military power of the State, espionage—shall be punishable with the full severity of the Law as the gravest crime.

In pursuance of this sacred task every Citizen is obliged to train himself to use, and shall be ensured the right to bear, arms. S-132

Universal compulsory military service shall be established by law.

S-118 8. All Citizens have the right to work, that is, the right to receive guaranteed work with payment for their labour in accordance with its quantity and quality, subject to a basic minimum and maximum wage established by law. In the absence of the provision of employment, Citizens are entitled to security of the necessaries of decent existence for themselves and their families by universal social insurance.

The right to work shall be ensured by the planning of national economy, by the advance of industrialisation of the country, by the steady growth of productive forces, and the simultaneous raising of the standard of life of the people whereby economic crises and unemployment shall be eliminated.

9. All Citizens shall have the right to rest.

S-119 This right shall be ensured by the reduction of the working day to eight hours maximum, the establishment of annual vacations with pay for workers and employees and the provision of a wide network of sanitoriums, rest homes and clubs for the accommodation of working people.

10. All Citizens shall have the right to material security in old age as well as in the event of sickness and loss of capacity to work.

S-120 This right shall be ensured by the wide development of social insurance of workers and employees at the expense of the State, free medical aid for workers and the provision of a wide network of health resorts for the use of working men and women.

11. All Citizens shall have the right to education.

S-121 This right shall be ensured by universal compulsory elementary education, free of charge. In addition, a wide system of States scholarships shall be provided for poor sudents in the higher schools and universities. The mother-tongue shall be the medium of instruction. Free vocational, technical and agronomic education shall be organized for adult workers in the fields and factories.

S-122 12. Women citizens shall be accorded equal rights with ~~men~~ in all fields of national life: economic, cultural, political, and in the state services,

P-15

These rights shall be realized by affording women the right to work in every employment upon equal terms and for equal wages with men. Women shall be ensured rest, social insurance and education equally with men. The law shall give special protection to the interests of mother and child. The provision of pregnancy leave with pay and the establishment of a wide network of maternity homes, nurseries and kindergartens shall further secure these rights.

13. All children born in the State shall be ensured equality of opportunity irrespective of accidents of birth and parentage.

The State shall watch and protect our children as the greatest wealth the world possesses. In all questions of administration or legislation, medical, educational, domestic, municipal or industrial, the interests of the child shall be the paramount consideration.

14. All Citizens shall be secured protection by the laws and recourse to the courts through an administration of justice which shall be quick, cheap, and impartial.

This right shall be ensured by the elective character and the independence of the judiciary; by the independence of the office of the Advocate-General and State Advocates; by the provisions of People's Courts and Tehsil Courts to decide the majority of cases locally; by the use of the local language in Court proceedings; by the notoriety, certainty, and codification of laws; by the equality of all Citizens before the law.

15. The right of personal property of citizens, as well as the right of inheritance of personal property of Citizens, is protected by law within the limits of the planned economy of the State.

No person shall own immovable property in the State who does not fulfill a productive role inside the State in accordance with the National Economic plan. This shall not operate to divest a pensioner or infirm person property legitimately acquired by him during his working life.

16. Work in the State of Jammu and Kashmir shall be an obligation and a matter of honour to all citizens capable of work. S-129

17. The State of Jammu and Kashmir grants the right of asylum to foreign citizens persecuted for defending the interests of the masses, for their scientific activity, or for their struggle for national liberation.

18. Every citizen of the State is obliged to observe the Constitution of the State, to carry out the laws, to observe labour discipline, to honestly fulfill social duties, and to respect the rules of the community. S-130

The National Assembly.

The highest legislature of the State, the National Assembly, is elected by Citizens of the State by electoral districts on the basis of one deputy per 40,000 population, for a period of five years.

The National Assembly shall elect its own Speaker and Officers and shall determine its own procedure. A law shall be considered adopted by the National Assembly if approved by a simple majority vote, and if it receives the Ruler's assent.

Laws adopted by the National Assembly shall be published in the Urdu language as well as the languages of the nationalities of the State over the signatures of the Ruler and the Speaker of the Assembly.

The National Assembly elects a Credentials' Commission which verifies the credentials of Deputies of the Assembly.

20. A Deputy of the National Assembly shall not be prosecuted or arrested without the consent of the National Assembly, and in the period when the National Assembly is not in session, without the consent of the Speaker of the National Assembly. In no case shall imprisonment or constraint operate to prevent a deputy from participating in the deliberations and decisions of the National Assembly, save by a decision of the National Assembly taken after the Deputy has been afforded the opportunity to speak in his defence.

The Speaker shall be empowered to issue a summons to any person having the detention or custody of a Deputy to produce him in order that he may attend a session of the National Assembly.

21. The National Assembly appoints when it thinks fit, investigating and auditing commissions upon any question.

All institutions and officials are obliged to comply with the demands of such Commissions and to supply them with the necessary materials and documents.

22. After the elections, the Ruler shall convene the newly-elected National Assembly within a period of one month.

When the term of the National Assembly expires, or in the event of its dissolution before the expiration of its term, the Ruler shall fix new elections within a period of not more than two months from the date of the expiration of its authority or of the dissolution, as the case may be.

23. Subject to the general control of H. H. the Maharaja Bahadur the jurisdiction of the National Assembly shall include:

(a) representation of the State in exterior relations, conclusion and ratification of treaties with other States;

(b) approval of alterations of the boundaries of the State;

(c) organisation of the Defence of the State and the direction of its armed forces;

(d) foreign trade upon the basis of State monopoly;

(e) protection of State security;

(f) establishment of the National Economic Plan of the State.

(g) approval of the State Budget;

(h) administration of banks, industrial and agricultural establishments and enterprises as well as trading enterprises;

(i) administration of transport and means of communication;

(j) regulation of currency and the direction of the monetary credit system;

(k) organisation of State insurance;

(l) contracting and granting loans;

(m) establishment of the fundamental principles for the use of land as well as the exploitation of deposits, forests, and waters;

(n) establishment of the fundamental principles in the field of education and protection of public life;

(o) organisation of a unified system of national economic accounting;

(p) establishment of the principles of labour laws;

(q) laws on the citizenship of the State and the rights of foreigners;

(r) legislation on legal procedure, court establishments, criminal and civil codes;

(s) organisation and control of the radio broadcasting system ;

(t) legislation for the protection and development of nationalities;

(u) organisation for an archaeological survey; legislation for the protection and rehabilitation of monuments;

(v) legislation in furtherance of this constitution, upon all aspects of national life;

The Council of Ministers of the State

24. The Council of Ministers of the State is responsible to the National Assembly.

25. Ministers of the State direct the branches of the State administration which come within the jurisdiction of the National Assembly.

Ministers of the State issue within the jurisdiction of their respective departments orders and instructions on the basis and in fulfilment of existing laws, as well as of decisions and orders of the Council of Ministers, and verify their execution.

26. Ministers of the State shall divide among themselves the following branches of administration.

- Defence
- Foreign Affairs
- Foreign Trade
- Railways
- Communications
- Water Transport
- Heavy Industry
- Defence Industry
- Food Industry
- Light Industry
- Timber Industry

- —Agriculture and Animal Husbandry
- —State Grain and Livestock Farms
- —Finance and Banking
- —Home Trade
- —Home Affairs
- —Justice
- —Health
- —Education
- —Local Industry (including cottage industries)
- —Municipal Economy
- —Social Welfare.

The Ruler of Jammu and Kashmir

27. The Ruler of Jammu and Kashmir shall:

(*a*) convene sessions of the National Assembly twice a year; shall convene extraordinary sessions of the Assembly at his own wish or at the request of the Speaker of the Assembly;

(*b*) dissolve the National Assembly and fix new elections;

(*c*) conduct a referendum upon his own initative or upon the demand of the majority of the legislators;

(*d*) declare general or partial mobilisation;

(*e*) ratify international treaties after they have been approved by the National Assembly.

(*f*) summon the leader of the largest single party in the National Assembly to form the Ministry.

Electoral System

28. Deputies to the National Assembly as well as to the Peoples' Panchayats are selected by the electors upon the basis of universal equal direct suffrage by secret ballot.

Franchise shall be universal: all Citizens of the State who have reached the age of eighteen years, irrespective of race and sex, nationality or religion, educational quaification, residential qualifications, social origin, property, status, or past activity shall have the right to participate in the elections of deputies and to be elected with the exception of insane persons and those deprived of electoral rights by court sentence.

Franchise shall be equal: every citizen takes part in elections upon an equal basis. Every Citizen shall have one vote, provided that, during the transitional period, Sikhs, Kashmiri Pandits and Harijans shall be provided with two reserved seats each, and for this purpose they shall exercise the right of a second vote.

Women shall have the right to elect and to be elected upon equal terms with men in all institutions of the State.

29. Citizens serving in the armed forces shall have the right to elect and be elected on equal terms with all citizens.

30. Candidates shall be put forward for election according to electoral districts.

Any one hundred electors residing in an electoral district may sponsor a candidate. No other precondition, whether money security or otherwise, shall be required of a candidate.

31. Every deputy is obliged to render from time to time a report to his constituency regarding his work and the work of the body to which he was elected; he may at any time be recalled by his constituency in the manner established by law.

32. Polling stations shall be provided in all electoral districts within convenient walking distance. Polling stations shall be provided for all factories employing more than 100 workers.

Justice: the Courts and the Advocate General

33. Justice is administered by the High Court of Jammu and Kashmir, and by the District Tehsil Peoples' Courts.

34. In all courts, cases shall be tried with the participation of the people's judges with the exception of cases specially provided for by law.

35. The High Court of Jammu and Kashmir is the highest judicial tribunal. It is charged with the supervision and direction of the judicial activity of all organs of the State.

36. The High Court of Jammu and Kashmir is elected by the National Assembly for period of five years. The lower courts are appointed by the High Court for a period of five years, with the exception of the People's Courts which are elected by the People's Panchayats for a period of five years.

37. Court proceedings in the High Court shall be conducted in the *lingua franca* of the State, that is Urdu. Proceedings in the lower courts shall be conducted in the local language. Persons not knowing the language of the court shall be assured the possibility of fully acquainting themselves with the material of the case through an interpreter, as well as having the right to address the Court in their own language.

38. In all cases an accused person is fully ensured the right of defence.

39. In all courts of the State cases are heard openly, except when otherwise provided for by law.

40. Judges shall be independent and subject only to law.

The Advocate-General and State Advocates

41. The Advocate General of Jammu and Kashmir is appointed by the National Assembly for a period of five years.

State Advocates in Districts and Tehsil are appointed by the Advocate-General of Jammu and Kashmir for period of five years.

42. The Advocate-General of Jammu and Kashmir is charged with the highest supervision of the strict observance of the laws by all State Ministers and institutions under them, as well as by individual persons holding official posts and also by citizens of the State.

43. The Advocate-General and the State Advocates perform their functions independently of any local organs whatsoever, the latter being subordinate only to the Advocate-General of the State.

44. In case of the retirement of a Judge or the Advocate-General falling at a time when the National Assembly is in a state of dissolution, the date of retirement shall be deemed postponed until the meeting of the fresh National Assembly is able to make a new appointment.

Local Administration

45. The organs of State power in Districts of the Tehsils, Cities and Villages, shall be the People's Panchayats.

The People's Panchayats direct the activities of the organs of administration subordinated to them, ensure the maintenance of State order, observance of laws and the protection of the rights of citizens, direct local economic and cultural development in fulfilment of the National Plan, organise Civil Defence, and draw up the local Budget.

The People's Panchayats adopt decisions and issue orders within the limits of the powers vested in them by law.

46. The executive and administrative organs of the People's Panchayats are the Executive Committees elected by them, composed of a Chairman, Vice-Chairman, Secretary and Members.

The Executive Committees of the People's Panchayats are directly responsible to the People's Panchayat which elected them and are also subject to the Council of Ministers of the State.

47. The People's Panchayats are elected by the people of their area of jurisdiction for a period of five years.

The ratio of representation in the People's Panchayats shall be determined by law.

National Languages

48. The national languages of the State shall be Kashmiri, Dogri, Balti (Pali), Dardi, Punjabi, Hindi and Urdu. Urdu shall be the *lingua franca* of the State.

The State shall foster and encourage the growth and development of these languages, especially those which are more backward, by every possible means, including the following:

(1) the establishment of a State Languages Academy, where scholars and grammarians shall work to develop the languages,
  - (*a*) by perfecting and providing scripts.
  - (*b*) by enriching them through foreign translations;
  - (*c*) by studying their history;
  - (*d*) by producing dictionaries and text-books.

(2) the founding of State scholarships for the study of these languages.

(3) the fostering of local Press and publication in local languages.

Amendments to the Constitution

49. Amendments to this Constitution shall be effected only by a decision of the National Assembly when adopted by the majority of not less than two-thirds of the votes cast therein, subject to the ratification of the Ruler.

National Economic Plan

50. The economic life of the State shall be determined and directed by the National Economic Plan for the purpose of increasing public wealth, of ensuring a steady rise in the material and cultural level of working men and women, and of consolidating the defence capacity of the State.

PART II

The National Economic Plan

The ideal of the Jammu and Kashmir National Conference is "the establishment of a free and democratic State. Such a free democratic State involves an egalitarian society in which equal opportunities are provided for every member for self-expression and self-fulfilment and the adequate minimum of a civilised standard of life is assured to each member, so as to make the achievement of this equal opportunity a reality."

Thus the ideal of the Jammu and Kashmir National Conference may be expressed as:—

All-in Democracy and all-out Planning

"*Planning*", according to Professor K. T. Shah, Secretary of the Indian National Planning Commission, "under a democratic system may be defined as the technical co-ordination of consumption, production, investment, trade and income distribution, in accordance with special objectives set by bodies representative of the nation. Such planning . . . . must include cultural and spiritual values, and the human side of life."

Thus planning means simultaneous, all-sided advance along all avenues of human activity, regulated in a democratic manner, on a country-wide scale.

Specific Aims of Planning

1. *National Self-Sufficiency*, as far as is consonant with the economic welfare of the general mass of the people of the State.
2. *The raising of the stndard of living* according to a definite specified programme of nation-building. This standard, common to the country as a whole, must be guaranteed by the community collectively, and comprises not only adequate food shelter and clothing, but also the provision of social services.1

   (1 By social services is covered

   a. education—in all grades, from primary to post-graduate, liberal and technical,
   b. health—covering medical aid and nursing,
   c. sanitation—town, village, and domestic,
   d. travel facilities—including provision for food and rest.

---

   e. transport and communications insurance, banking and credit are of wider import, but may also be included under the omnibus title of social services.)

3. *Production for use not for exchange*, in its application to the sphere of local production, with modifications subject to the needs of national economy as a whole. Concretely put, the production and distributions of food supply and other daily needs of village economy should be so planned from the village centre as to economise transport. Village imports and exports should be regulated accordingly. This should not be misunderstood as a plan of village self-sufficiency but simply as a method of economising national energies.

Such an economy entails the *Central planning and organisation* of industries and resources necessary for the welfare of the country as a whole. Co-operative enterprise should be stressed as opposed to destructive competition. Marketing and trade must not be spontaneous but controlled and organised. It is only thus that deficit and surplus area problems can be solved, and local scarcities and gluts prevented.

Such planning is only possible when the people as a whole are associated with its formulation and execution, and presupposes the establishment of a completely democratic State machinery.

Planned Economy ensures:—

1. work for all adult able-bodied citizens, and the elimination of parasites from the State economy,
2. the right to work, in accordance with mental and physical capacities, being acknowledged as the fundamental right of citizenship,
3. the right to maintenance in the case of (*a*) children; (*b*) students; (*c*) the aged and infirm,
4. that domestic work of housewives and the duties of motherhood be counted in the category of socially useful work,
5. that whereas brain work will be recognised as a form of socially necessary labour, it will not be allowed to become a means of social exploitation, or be remunerated out of all proportion to its worth.

Planning of this type will ensure a reasonable standard of living for all the inhabitants of the State, and eliminate existing inequities. The Jammu and Kashmir National Conference, reiterates the norms accepted by the Indian National Planning Commission as applicable to the State of Jammu and Kashmir.

These norms mean a *reasonable standard of living* which implies:

1. *better nutrition*; a balanced diet; necessary vitamin and protective foods. A total of 2400 units of caloric value for a full-grown worker,
2. *more clothing* per head annually—an increase to at least thirty yards per head, with guaranteed provision of woollen garments for the winter,
3. *adequate housing*, weatherproof accommodation of at least 100 square feet per person in town and country,
4. *water supply*, adequate and accessible, allowing the use of twenty-five gallons per person daily,
5. *lighting arrangements*, according to local needs,
6. *eduction for all*, according to the basic National Plan,
7. *provision of food stores* and cooked food shops under hygenic conditions—at least one for every thousand inhabitants,
8. *a postal-service*, well-regulated and supplemented by a network of telephone exchanges all over the State, aiming at the closer linking up of remote areas, Frontier districts, and isolated populations, with the Capitals,
9. *insurance* a universal system against all disabilities and calamities,
10. *banking facilities*, and the recognition of banking as a necessary concomitant of national life. One bank office for 25,000 people,
11. *medical arrangements* and nursing facilities free for all.

For the attainment of this plan, the Kashmir National Conference visualises the establishment of the *Kashmir National Planning Commission*, backed up by a completely democratic National Government.

THE NATIONAL ECONOMIC PLAN, formulated by the JAMMU AND KASHMIR NATIONAL PLANNING COMMISSION may be divided into:

1. Production
    - a. Agriculture
    - b. Industry.
2. Transport
    - a. Air
    - b. Road
    - c. Water
3. Distribution
    - a. Marketing
    - b. Trade and Commerce.
4. Utility Services
    - a. Public Health
    - b. Education
    - c. Housing Plans
    - d. Cultural Organisations
    - e. Social Insurance.
5. Currency and Finance
6. The Women's Charter.

I. Production

A. AGRICULTURE

In the State of Jammu and Kashmir, as in the rest of India, one of the major tasks of any national Government will be the organisation of agriculture on a more modern and rational footing and the provision for the peasant of a higher standard of living.

The term agriculture includes not only the tilling of the soil and the production of crops, but also the subsidiary local industries like dairy farming, animal husbandry, and industries based on animal products like hair, bones, skins etc. Forestry and forest products are also included.

The BASIC PRINCIPLES of the Agricultural plan of the National State Government will be:

1. Abolition of landlordism;
   because such a step would be the pivot of all progress. So long as a privileged class exists, itself doing nothing, but living on the labour of others, there can be no equitable distribution of the products of the soil;
2. Land to the tiller:
   because, after the abolition of the landlord class, it will be possible for the first time to satisfy, the land hunger of the landless peasant, and ensure the efficient working of the land;
3. Co-operative association:
   because, in order to increase the material prosperity of the individual tiller and to ensure the efficient prosecution of the National Economic Plan, it is necessary that the production and sale of crops and agricultural goods are undertaken and

regulated co-operatively. This eliminates waste, increases productivity, economises labour, roots out destructive competition, and pools local resources.

4. Feeding the State first:

because it is a criminal betrayal of the toiling masses of Kashmir to export grains and foodstuffs which are needful for the people of the State. No exports shall be permitted, unless the needs of the State have been provided for, both immediate needs and the needs of a healthy reserve.

5. People's control of the forests:

because the effcient central administration of forests must be supplemented by the daily supervision of the People's Panchayats, in order to ensure that the people of the locality derive the fullest benefit from forest land, consistent with their genuine needs.

The Aim of the Plan for Agriculture

The agricultural plan of the Jammu and Kashmir National Conference will aim at national self-sufficiency in essential foodstuffs and crops. This will be attained.

(*i*) by organising cultivation according to plan, to effect a balance between the sowing of food crops, the production of raw materials for industry, and crops of medicinal value;

(*ii*) by the better utilisation of land already under cultivation, through improvement in the quality of crops, and increase in the quantity through intensive and scientific methods of cultivation. By ensurement that research into all such problems by the State will not remain an academic matter but will really reach and help the people who need it:

(*iii*) by the development of culturable waste. All culturable waste at present lying fallow should belong to the people. It will be distributed to the peasants to be worked on a co-operative basis, according to the National Plan;

(*iv*) the development of animal husbandry and the improvement of the lot of nomad tribes connected with the tending of animals. Modern methods of dairy farming to be introduced; cattle breeds improved; wool-bearing animals of special types to be reared. Marketable milk products like cheese, butter, *ghee* and cream to be encouraged.

(*v*) the proper organisation of fruit cultivation, marketing and preservation. Kashmir is the home of all kinds of fruit, and is potentially one of the great fruit centres of the world;

(*vi*) the development of bee-keeping; and more scientific methods in silk worm breeding;

(*vii*) the ensuring that fish cultivation in the State shall be for the benefit not only of the rich but for the people themselves. Fishermen to be helped in methods of fish-catching and transport. A survey of inland fisheries to be undertaken, and fry distributed annually to tanks and channels. The cultivation of fish in rice fields to be experimented upon;

(*viii*) the utilisation of the timber, fuel and grazing wealth of the forests of the State for the benefit of the people. Better and long-term afforestation schemes to be put through, deforestation combatted, and more effective schemes against soil erosion to be carried on.

The Machinery of the Agricultural Plan

A NATIONAL AGRICULTURAL COUNCIL will be set up in the State. Its job will be to execute and supervise the National Agricultural Plan. It will have corresponding districts and village councils, which will work in collaboration with the locally elected Panchayats. The functions of the local councils will be:

1. to advise in the preparation of the cultivation plan for their own particular unit, and to supervise its execution;
2. to take charge of the village co-operative, in charge of all the cultivation in the area;
3. to supervise the harvesting of crops, produce and fruit and to arrange for storage, grading, and transport;
4. to help and finance the marketing affairs of the co-operatives:
5. to distribute profit-shares in the co-operatives;
6. to be the Treasurer of all funds distributed under the Plan;
7. to co-ordinate cottage industries in the area in accordance with the general lines of the Plan.

It is this chain of Agricultural Councils, from the village to the centre, which will be the most powerful instrument for the reorganisation of agricultural economy, its modernisation and efficiency.

It is this chain of Agricultural Councils which will be the motive force in the fulfilment of the provisions of the Peasants' Charter.

THE PEASANTS' CHARTER

1. Every peasant has a right to work on the land, unless he is provided with alternative and congenial work on equal conditions.

2. All land which at present belongs to the landlords will revert to the peasant, when social parasitism is abolished.

   During the transition period, before planned economy can come into full-swing, there should be a sharply progressive system of taxation on all unearned land incomes. Such taxation shall allow of no exemptions. During the intermediary period before the final abolition of the exploiting landlord, his profits from the land shall be rigorously curtailed, and a strict upper income limit fixed.

3. Every peasant family will be guaranteed a higher standard of living in accordance with the national norm.

4. The right of the peasant to maintenance from village produce will be recognised as the first claim on it.

5. All feudal dues, levies and forced labour to be completely abolished.

6. Rural indebtedness has been the millstone of the peasantry of the State. The peasant must be made completely debt-free. Wherever the borrower has payed off the original amount, there shall be no further payment of interest. In the Planned Economy, the provision of agricultural credit will be the task of the State.

7. The peasant, in common with all other workers of the State, is entitled to all the benefits of social insurance.

8. The peasant in a planned economy will be protected against famine, flood, frost, crop pests, fire, and cattle or animal diseases.

9. The peasant shall have the benefits of modern scientific research applied to

   a. soil problems
   b. planning of crops
   c. production of green, bone and synthetic manures
   d. irrigation development problems

   e. drainage facilities against water-logging, stagnant water problems, including anti-malarial campaigns, protection on a village basis against the evils of a polluted water supply
   f. anti-erosion measures
   g. labour-saving agricultural implements and machines.
   h. agricultural methods and efficiency, to be taught to him through a network of teaching facilities, headed by agricultural experts. Special emphasis to be laid on quality production and grading
   i. co-operative packing, storing and refrigeration facilities in State warehouses and barns, to prevent wastage of food crops
   j. keeping and breeding of domestic animals
   k. poutry farming
   l. improved types of fodder
   m. village sanitation.

10. Cheap and speedy transport facilities to be provided for all peasants.

11. The peasant shall be provided with co-operative marketing facilities to eliminate wastage of labour power.

12. The peasant shall be ensured the benefit of local forest products and freedom from harassment by forest officials.

13. The peasant shall have the right to free medical and nursing facilities under the Plan.

14. The peasant has the right to a clean, weather-proof and healthy home in a planned village with pure drinking water supply.

15. The peasant has a right to recreation, based on a village hall as an expression of a common village life, provided with a radio and facilities for indoor and outdoor sports.

16. The peasant has the right to education, not only in the three R's, but with special application to land and its problems, up to the highest point of which he is capable, through the medium of National Educational Plan.

Under this Charter of Rights, the poor and exploited peasant of Jammu and Kashmir State will attain his true and rightful stature as a happy and prosperous citizen of the beautiful and renowned country he inhabits.

B. INDUSTRY

In industrial advancement lies the key to a progressive standard of living, and to an increasing enjoyment of the scientific benefits of modern civilisation. But man will defeat the very purpose of industrial development if he becomes the under-paid slave of the machine and a small machine-owning class. The machine will only become man's friend and collaborator in the immense task of nation-building when the State itself controls the machine—because, under a democratic form of Government, the people themselves are the State.

Therefore the Jammu and Kashmir National Conference stands for the principle that all key industries must be in the hands of the People's Government and therefore enumerates the following *basic principles*:-

1. Abolition of the big private capitalist:
   because exploitation of national labour and resources for a private profit motive means suffering and hardship for the working population, and has therefore no place in the National Plan of the New Kashmir.
2. All key industries must be managed and owned by the Democratic State of Jammu and Kashmir:
   because the interests of the people demand that the essential industries be run for the people's use and not for private profit.
3. Private monopoly, whether formal or virtual, to be forbidden in the interests of the State.
4. Forest resources basic to industry and mineral deposits to be worked only by the State.
5. Private small-scale industrial enterprise will be allowed only in strict conformity with the needs of the National Plan, and will be subject to supervision by the National Industrial Council.

The Substance of the Plan for Industry

The Industrial Plan of the Jammu and Kashmir National Conference will aim at striking an economic balance between the needs of the State itself, and production for exchange in the interests of the State as a whole.

The Industrial Plan will be worked out as an integral part of the complete National Plan, and co-ordinated at all points with it. It will determine the location of industry, according to the four governing factors of:

(*i*) necessary motive power
(*ii*) suitable raw materials
(*iii*) trained and untrained labour available
(*iv*) the neighbourhood of suitable markets.

The scope of this plan shall cover:

(*i*) *Defence industries*
  necessary for the safety, integrity, and security of the State, including munitions, and technical mechanical military equipment

(*ii*) *Mother or key Industries*, such as
  (*a*) hydro-electric power stations
  (*b*) fuels, including coal, mineral oils and gases
  (*c*) metallurgy and mining industries
  (*d*) industrial and agricultural machines and implements
  (*e*) transport facilities, including the manufacture of automobiles and the like
  (*f*) machine tool manufacture and the manufacture of machine parts
  (*g*) scientific instruments and commercial apparatus
  (*h*) basic chemicals, necessary for further industrial processes, caustic soda, dyes etc,

(*iii*) *Utility Industries*, such as
  (*a*) textiles, including wool, silk and cotton
  (*b*) toilet articles, oil etc.
  (*c*) furniture manufacture
  (*d*) housing needs in metal and wood, glass and bricks, revolving round everyday needs of living
  (*e*) shoe manufacture and leather work
  (*f*) medicines and health requisites
  (*g*) food industries
  (*h*) paper and allied manufactures
  (*i*) all other industries which may be classified as necessary in everyday life.

(*iv*) *Cottage Industries*, for which Kashmir is world renowned, in accordance with a special plan of Industrial Co-operatives, following the lines of the great experiment in modern China.

The Machinery of the Industrial Plan

In order to direct, supervise, and control Industrial effort in the State long the lines of the National Plan, a NATIONAL INDUSTRIAL OUNCIL shall be set up, having corresponding district councils and

P-167

village councils, where necessary, which will work in collaboration with the local Panchayats. The functions of this body will be:

(*i*) to smooth and facilitate the working of the National Industrial Plan
(*ii*) to give expression to local needs and difficulties and link the work of the Plan intimately with the life of the people
(*iii*) to suggest modifications in tempo or scope of the plan, dictated by local experience
(*iv*) to collect research material for the use of the National Planning Commission
(*v*) systematic supervision of the progress of industry under the plan
(*vi*) to control the appointment, removal and supervision of all local staff doing the work of the plan
(*vii*) to control and direct the development of Cottage Industries according to the plan of Industrial Co-operatives, by means of a special Committee.

The Plan for the Organisation of Cottage Industries Through Industrial Co-operatives

The handicrafts and cottage industries of Kashmir have been famous since ancient times, and are one of the finest expressions of her indigenous culture. On the other hand, the workmen who have produced these miracles of craftmanship have themselves lived and died the prey of drudgery and disease.

In order to ensure a future not only for the handicrafts but for the craftsmen of the State, the Jammu and Kashmir National Conference puts forward the following BASIC PRINCIPLES of re-organisation.

1. *Co-operative organisation* of handicraft-workers in order to ensure their release from exploitation by individual profiteers.
2. *the introduction of small-scale power-driven machinery* on a domestic and small factory basis, in order to eliminate unnecessary drudgery and increase output, while preserving the artistic value of the products and leaving full scope for individual talent.

By means of these two principles, small-scale power driven machinery will find its way into every type of home and into the remotest villages, on a co-operative basis.

P-168

The Jammu and Kashmir National Conference envisages mass village electrification, based on widespread hydro-electric projects, to be linked up with this scheme. Cottage industry can be converted into decentralised industry, even in the remotest areas by such a method.

There are three key points in the Industrial Co-operative plan, as enumerated by Prof. J. B. Taylor, one of the chief advisers of the Chinese Industrial co-operatives:

1. Production of goods for general use and export;
2. Production of small machines for use in productive work;
3. Adequate training facilities to ensure the adoption of new production methods.

Cottage industries in the State are important not only as a means of raising the standard of living of the craftsman and the villager, but are also a great potential source of wealth to the State since they can be the basis of a world-wide export trade. Special care will be given to all basic cottage industries, such as

a. wool industries, including spinning and weaving shawls and tweeds, production of knitting wools and knitted goods
b. silk industries, from the breeding of the silk worm to the finished products
c. wood industries, including carving and all types of wooden utility goods
d. Papier Mache work
e. Manufacture of rugs, *namdas*, and carpets
f. embroidery
g. wrought metal and silver work, including the production of utensils and jewellery
h. honey production and saffron cultivation
i. drying and preserving of fruits and vegetables, to be supplemented by canning facilities
j. products obtained from skins and furs.

THE WORKER'S CHARTER

1. Every citizen has the right to demand work from the State in accordance with his capacity of brain or hand.
2. Every citizen has the right to work consistent with his honour and self-respect in a free and democratic State, which postulates the abolition of all exploitation of man by man.

3. Every working citizen has the right to a higher standard of living than the mere subsistence level, and this is guaranteed to him by the norm of the National Plan.
4. Every worker has the right of association and expression through his own trade union.
5. Freedom of movement from occupation to occupation is guaranteed.
6. All dealings with individua worker and groups of workers to be done through Union representatives.
7. In cases of dispute, compulsory arbitration to be provided.
8. Every citizen worker shall do eight hours work a day.
9. Every citizen worker shall be paid weekly wages.
10. Every worker has the right to receive equal wages for equal work, without racial distinction or sex discrimination.
11. Every worker shall receive one fortnight' s leave annually with pay in full and one day's holiday per week, also on full pay.
12. Every worker is entitled to insurance, under the heads of sickness, old age, accident, and in the case of women, maternity.
13. Every worker can give his best work to the State in the confidence that in the event of sudden death, his dependents will be provided for by a State Pensions Scheme.
14. Every worker shall have a healthy home in a healthy locality, with light and water facilities.
15. Abolition of the employment of children under the age of fifteen years is guaranteed.
16. Special protection of the woman worker as specified in the Women's Charter.
17. All recruitment of labour through Trade Unions.
18. Every worker has the right to cheap and speedy transport facilities.
19. Every worker shall have a right to free medical and nursing facilities, in accordance with the National Health Plan.
20. Every worker has the right to recreation, with all cultural facilities.
21. Every worker has the right to education, not only of the three R's but with special application to his own trade or profession, up to the highest point of which he is capable, through the medium of the National Educational Plan.

Armed and protected by this Charter of Rights, the miserable and exploited Worker of Jammu and Kashmir State will grow to his full stature as a human being, and play his mighty part in the building of the New Democratic Kashmir and its glorious and prosperous future.

2. Transport.

Since the Jammu and Kashmir National Conference considers that one of the chief reasons for the backwardness of the State is the primitive nature of communications in all outlying areas, it realises that any big plan for the regeneration of the country must plan a simultaneous development of the means of communication and transport, on the following general lines:

a. the construction of arterial roads connecting Jammu and Srinagar with all the outlying districts

b. the linking-up of villages by well-constructed pathways joining up District and Tehsil headquarters

c. more efficient water transport services where river or lake travel is possible, including modern ferry services

d. construction of essential bridges, *e.g.*, the Mirpur-Jammu bridge

e. the wide development of civil aviation for passenger traffic, particularly in relation to

- *i.* Frontier areas
- *ii.* tourist traffic with India and the world.

f. the provision of more regular and comfortable bus transport run by the State, linking up all big centres

g. adequate arrangements for the speedy and safe transport of goods

The mere fact that Kashmir is a mountainous area does not mean that there should be any serious difficulties in linking up its inhabitants, as the example of Switzerland proves.

A NATIONAL COMMUNICATIONS COUNCIL, consisting of engineering experts and economic advisers, will execute the plan, in consultation with the Agricultural and Industrial Councils.

3. Distribution.

The Jammu and Kashmir National Conference lays emphasis on the realisation that "distribution is a vital corner stone of any planned economy, and that evils of industrialisation can and should be avoided if there is any equitable system of distribution."

It therefore follows that they cannot leave trade to be the spontaneous and chaotic affair it at present is. The nineteenth century doctrine of free trade died a dishonourable death in the last economic crisis of 1930, and the democratic world of the future can only thrive on a basis of controlled trade and distribution.

Since, under the National Economic Plan of the State, production, both industrial and agricultural will be carried out according to a specific programme, with the object of ameliorating the condition of the masses of the inhabitants of the State, distributing and marketing will also be organised on a co-operative basis.

The BASIC PRINCIPLES governing the Plan for this section include:

i. every working man, woman and child in the State is, according to the National Plan, guaranteed freedom from want

ii. no drone or social parasite shall be granted a share of consumption goods

iii. commercial profiteers will have no place in planned economy, and therefore no share in the national dividend

iv. trade will be on a co-operative basis for essential goods and foodstuffs, retailed through fixed price shops

v. small-scale private enterprises, at fixed retail rates, will be allowed only under the strict supervision of the National Marketing Council, in consonance with the general outline of the National Plan

vi. foreign trade must be the exclusive monopoly of the State. It shall be the duty of the State Planning Commission to determine the needs of the nation and draw up an Imports Budget. Export trade to be regulated according to the needs of Import Trade by the State alone.

THE NATIONAL MARKETING COUNCIL consisting of business imports and economic advisers, will execute the Distribution Plan.

Its functions will include:

a. the organisation of co-operative stores and markets

b. the appointment and supervision of already existing shops as distributing centres, under adequate control

c. the economic location of such distribution centres

d. organisation of adequate facilities for the free internal movement of goods, in consultation with the National Communications Council.

4. Utility Services.

A. Public Health

The safeguarding of the health of the citizens of the State is the primary duty of the State.

Towards that end, a NATIONAL PUBLIC HEALTH COUNCIL shall be constituted, of the most efficient doctors and surgeons of the State along with economic advisers, to ensure widespread and efficient health services on the basis of

THE NATIONAL HEALTH CHARTER

1. One doctor for every 1,500 of the population
2. Every village to have a medical attendance and first-aid post,
3. A network of indoor patient hospitals in outlying districts, linked federally with Central State Hospitals
4. Adequate arrangements for the speedy and efficient training of the number of doctors, nurses, and dispensers necessary for such a plan, through the State Medical Colleges
5. Adequate protection against preventible disease
6. Arrangements for the dissemination of elementary health and hygiene knowledge to the vast masses of the population, in collaboration with the National Educational Council
7. Provision of medical aid for mothers; in accordance with the demands of the Women's Charter
8. Protection of the child from infancy to adolescence.
9. Organisation of medical research, and its practical adaptation to immediate health problems
10. Encouragement to indigenous systems of medicine, Ayurvedic and Yunani, and exploration of the production of
    (*a*) cheap and plentiful indigenous drugs;
    (*b*) possible collaboration with other systems

11. Propaganda for physical culture, sports and other health-giving occupations to build a sturdy people, resistent to disease
12. Special emphasis to be laid on the recruitment and training of woman doctors
13. Mobile units and ambulances to be organised in areas of scattered population
14. Supervision of town and village sanitation problems.

B. Education

National education is the pivot round which the progress of a people revolves. The Jammu and Kashmir National Conference stands for an active and progressive policy of education which may carry the light of knowledge of the farthest and most backward areas of the State.

Education should not be merely liberal, but also technical, and allied to the national needs and the National Economic Plan. An effort should be made in all teaching to link the child up with the actual life and work of the State.

The NATIONAL EDUCATIONAL COUNCIL, consisting of educationists of standing, shall prepare a scheme of State Education, on the following basis:

1. The creation of a *National University*, laying special stress on tradition and history, and the culture of all Nationalities residing in the State. Chairs to be created for the study of special subjects, especially those aiming at the linking up of the State with the outside world.
2. Under the aegis of the University, *research scholarships* to be offered to study problems of national importance abroad, with special stress on higher technical training to forward the purposes of the State Economic Plan.
3. *A Statistical Institute* to be established, to help in the work of the Planning Commission and the State services.
4. The establishment of *Technical Colleges and Research Institutes* to prepare men and women for the higher technical work involved in the National Plan.
5. An *Institute of Nationalities* to be established to educate and train men and women from remote areas with specific problems of language and tradition, so that they may take their rightful place in the development of the State.

6. *District College* for men and women students to be founded in those areas where it is impracticable for students to travel to the State University. Such colleges to be both liberal and technical.
7. A network of *higher*, *middle* and *primary schools*, and kindergartens to be established, on a compulsory and free basis, aiming at educating every child in the State, both boys and girls.

   Special types of schools, such as boat schools and travelling schools for the nomad tribes, to be provided for those sections of the people who find it difficult to attend the ordinary State schools.
8. In all Primary Schools, the education to be given through the *mother-tongue*.
9. *Adult Education Night Schools* to be established. Special committee of the National Educational Council to look into problems of adult literacy.
10. *Library work* to be followed by
    (*a*) a network of rural and town libraries
    (*b*) a supply of cheap and readily available books and writing materials.
11. Special study to be made of the problems of *Basic Education*.
12. Special arrangements for *women's education* to be made in accordance with the provisions of the Women's Charter.

C. Housing Plans

The Jammu and Kashmir National Conference recognises the need of more modern and sanitary housing for the workers and peasants of the State, and realises that the far-reaching problems involved can only be solved by a comprehensive National Housing Plan.

Towards that end, a NATIONAL HOUSING COUNCIL, consisting of engineers, public health experts, architects and economic advisers, will prepare a programme of town and village planning, with special reference to housing.

It will plan the better utilisation of local materials, in consonance with local needs, and attempt to bring the benefit on modern science, design, and sanitation into the homes of the people.

D. Cultural Organisations

The progress of a united people of the State has in the past been hindered by the neglect of our culture and tradition. It is the plan of the

National Conference to encourage our common culture, which includes the culture of all nationalities resident in the State, by a manysided plan of development, which includes:

1. Establishment of a *Radio Station* in the Kashmiri language, with programmes using the Balti, Dogri, Dardi, Gojri, Hindi, Urdu and Punjabi languages.
2. Establishment of a *National Film Industry and National Theatre*, to give expression to the cultural traditions, and aspirations of the people of the State.
3. Encouragement of organised forms of *Youth Activity*, sports, hiking, physical culture and so on.
4. Establishment of *centres of recreation* for the organised use of leisure.
5. The protection and development of *ancient monuments* of historic interest, and the education of the public in their meaning and value.
6. The establishment of an *Institute of Art and Culture.*

E. Social Insurance

The Jammu and Kashmir National Conference aims at the elimination of insecurity and fear of the future through the establishment of a comprehensive system of social insurance, to protect every working man, woman, and child in the State against the contingencies of sickness, accident and death, ensuring pensions to dependents and protection in old age.

Such schemes will be regulated by a *National Insurance Council* consisting of insurance experts and economic advisers, and will be put into action simultaneously with the national Economic Plan.

Specific references to this scheme and its scope may be found in the various Charters.

5. Currency and Finance

Banking, Currency and Finance in a planned economy work in the closest collaboration.

The Jammu and Kashmir National Conference recognises the need for the nationalisation of banking, strict regulation of currency on a national basis, and the organisation of finance on a State basis.

THE NATIONAL ECONOMIC COUNCIL, consisting of bankers and financial experts, will draw up the financial plans of the State in collaboration with the National Planning Commission, and will exercise the following functions:

1. The provision of necessary funds for all productive organisations,
   (*a*) to purchase raw materials
   (*b*) to pay wage bills
2. Regulation of the price level, so that the turnover is rapid.
3. Fixation of the total wage bill
4. Making an evaluation of the total annual produce of goods and services

—by all these means effecting a balance between the production costs and net receipts, ensuring the net profits of the State. It is these net profits which go towards the running of social services of the State, and the so-called unremunerative services as are necessary for the well-being of the citizens, as for instance, Public Health and Education services.

Further the credit machinery of the State gets built, and banks are opened for the convenience of the people. These banks and credit facilities stand as a bulwark against the old-time moneylender, leeching the blood of the working population, and give him no place in the National Economy.

The National Conference puts moneylenders and usurers in the category of social parasites who have no place in Planned Economy.

State borrowing may be resorted to on the advice of the National Economic Council, for the purpose of forwarding State interests. This borrowing may be done either

(*a*) for the savings of citizens
or (*b*) from sources outside the state.

As the proceeds of Planned Economy increase, the loan can be liquidated in a given number of years thus leaving the State in a position of increased prosperity.

③

THE WOMEN'S CHARTER

The Jammu and Kashmir National Conference stands for the attainment by woman of her just and rightful place in society, and her co-operation in the mighty and responsible task of nation-building. To that end it will ensure to her the following rights.

1. *State and Political*
   (*a*) Right to vote to all women over 18, in all elections.
   (*b*) Right of election to all elective bodies.

P-177

(*c*) Right of consultation of women's representatives in all matters concerning women decided by elective bodies in the State.

(*d*) Right of entry into all State services.

In addition, the Jammu and Kashmir National Conference is of the opinion that a special Women's department should be founded in the State for the examination and solution of particular women's problems, stressing those of the most backward and neglected women: the nomads, the women of Frontier areas, the boat women and so on.

2. *Economic*

The Jammu and Kashmir National Conference realises that woman, even more than man, needs protection from economic exploitation, and that in prohibiting the use of women as a form of cheap labour, they are for warding the interests of the men workers also. It also recognises women's biologic right to protection from heavy labour, and her particular call on State aid while fulfilling the sacred function of motherhood. What it stands for may be summarised as follows:

a. Women shall be given equal pay for equal work. Type, quality and efficiency of work to be the only factors considered when payment is made for it.

b. Women may enter any profession or trade or do any kind of work of which she herself considers she is capable.

c. To women industrial workers shall be given all the benefits of social insurance granted to men, and the right to rest and vacations, and in addition they shall be especially protected against

- *i.* night work
- *ii.* unduly heavy work, especially during pregnancy.

d. All women, whether in town or village, in Frontier areas, among nomad tribes, or living in boats shall be afforded the greatest help and protection in fulfilling their labour of motherhood. The care to consist of

1. ante-natal treatment
2. medical arrangements for childbirth, either at home or in hospital
   Special care for difficult cases.
3. adequate arrangements for nursing during the lying-in period
4. extension of district nursing system
5. leave for working mothers, six weeks before childbirth and six weeks aftewards

P-178

6. the provision of nurseries and kindergartens by all factories and concerns employing more than seven women workers
7. leave to feed a suckling child for half an hour every four hours during the working period
8. family allowance to be given to women with large families.

3. *Social*

The Jammu and Kashmir National Conference recognises the family as the basic social unit, and affirms the right of every Kashmiri child of the State to all State advantages. It demands

a. that the status of woman be protected by Law, and exemplary punishment be meted out to all guilty of the molestation of women

b. that all women of the State be protected against traffickers in women and children.

c. that the economic and psychological causes of prostitution be examined by the State, and that an active policy of reclamation and education of all such women be pursued

d. a special study to be made of disabilities suffered by women of backward tribes and areas.

4. *Legal*

The Jammu and Kashmir National Conference stands for woman's equality with man in the face of the law. It also stands for every citizen's right to marry according to his or her own religious rites, whether Muslim Hindu, Buddhist or of any other religion, subject only to State registration of the mariage. In the interests of all women it demands:

a. every woman's right to consent to her own marriage

b. the abolition of the dowry system and the selling of women in marriage

c. the right of divorce and alimony

d. that women be given equal rights and responsibilities in the upbringing of children, and the right of custody of children if the innocent party in divorce

e. the right of women to own and inherit property, this right not to be prejudiced by marriage

f. the right of special women lay-judges to be present during the trying of cases affecting women and children

g. The right to humane and intelligent treatment of women prisoners in jails, taking into account their psychological and biologic necessities.

5. *Educational*

Realising that educational facilities are essential and a pre-requisite of any large scale progress of women, the Jammu and Kashmir National Conference calls for more intensive work and schemes for women's education based on the following:

a. Compulsory free primary education for women. Travelling schools to be provided for nomad women, boat schools for boat women, and other special arrangements to be made for other classes of women who find it imposssible to attend ordinary schools.

b. Equal educational rights and privileges in liberal and technical education, women's study to be encouraged by the grant of special scholarships at every stage.

c. Separate colleges for women, liberal and technical and domestic, to be established. Women also to be given the right to join men's colleges.

d. Recognition of the special needs of women in the drawing up of educational curriculums.

e. Schemes for adult education among women to be put forward, these schemes to include not only the three R's but also hygienic and elementary child welfare.

6. *Cultural*

In the future free and democratic State of Jammu and Kashmir, the National Conference looks forward to the time when women will take an active and honourable role in the development of the arts and sciences and the cultural life of the community. It calls for

a. encouragement of women scholars and artists of all kinds;
b. inclusion of women in the cultural services of the State;
c. encouragement of the mother-tongue;
d. special provision for the cultural development of women in villages and remote areas.

Source: New Kashmir
published by K.N. Bamzai
The Director, Kashmir Bureau of Information
5. Prithvi Raj Road New Delhi, year not mentioned.

~~100~~. Quit Kashmir speech of Sheikh Mohammad Abdullah May, 26, 1946

(*Extract*)

The tyranny of the Dogras has lacerated our souls. The Kashmiris are the most handsome people, yet the most wretched looking. It is time for action. To end your poverty, you must fight slavery and enter the field of Jehad as soldiers. The fight slogan of our struggle is not only for our State but for the whole of India. India is fighting against Imperialism. The slogan was given on the banks of River Ravi...Then came the slogan of 'Quit India.' The British gained hold of India by the force of arms and by treachery.

The rulers of the Indian States who possess one-fourth of India, have always played traitors to the cause of Indian freedom. The demand that the Princely Order should quit is a logical extension of the policy of 'Quit India.' When the Indian freedom movement demands the complete withdrawal of British power, logically enough the stooges of British Imperialism also should go and restore sovereignty to its real owners—the people. When we raise the slogan of 'Quit Kashmir,' we naturally visualise that the Princes and Nawabs should quit all the States. I am sure this demand applies similarly to a State like Hyderabad where the people will, I am sure, raise their voice, 'Quit Hyderabad.'

Those Hindus who think along with Mr. R.C. Kak that the Dogra rule should remain, should never forget that we are treated in Kashmir as a bought-up race without distinction of religion.

Handcuffs jingle. They do not make us afraid. God will give us faith in victory. The voice of truth will prevail. Prophets have spoken for the truth, which has always triumphed finally.

Sovereignty is not the birthright of a ruler. Every man, woman and child will shout 'Quit Kashmir'. The Kashmiri nation has expressed its will. I ask for a plebiscite on this question.

(Source: Teng, M.K; Kaul, Ram Krishan. : Kashmir Constitutional
Kaul ~~[illegible]~~, Santosh. History & Document.
P 559 Jay Kay House, Jammu Vol. II)

Appendix III

NATIONAL CONFERENCE'S MEMORANDUM TO CABINET MISSION (1946)

KASHMIRIS DEMAND FREEDOM

A People Sold into Slavery, Kept Down Under a Corrupt, Autocratic Regime for a Century

Today the national demand of the people of Kashmir is not merely the establishment of a system of responsible government, but their right to absolute freedom from the autocratic rule of the Dogra House.

Nearly a hundred years ago the people of Kashmir became the victims of a commercial deal by the covetous agents of the East India Company.

For the paltry consideration of 75 lacs of Sikh currency rupees (less than half a million pounds sterling) the people of Kashmir, the land and its potential wealth, were sold away, to Maharajah Gulab Singh, the Dogra vassal of the Sikh kingdom.

The Sale Deed

We challenge the moral and political validity of this sale deed, to which the people of Kashmir were never a party, and which has since 1846 been the document of their bondage.

At this moment, the future of the inhabitants of India is on the anvil, and the constitutional pattern of the future is being hammered out by the British Cabinet Mission.

The question of the Treaty Rights of the Princes has become a moot point between the peoples of the States, the Princely Order, and the Paramount Power.

For us in Kashmir the re-examination of this relationship in its historical context is a vital matter.

The crux of our contention is this that the sale deed which brought Kashmir under the rule of the Dogra House confers no privileges equivalent to those claimed by States governed by the so-called Treaty Rights.

As such, the case of Kashmir itself stands on a unique footing, and the people of Kashmir draw the attention of the Cabinet Mission to their just claims to freedom on the withdrawal of British Power.

The sale deed of 1846 misnamed the Treaty of Amritsar, makes the matter quite clear.

No sale deed, however, sacrosanct, can condemn more than four million men and women to the servitude of an autocrat when the will to live under his rule is no longer there.

We, the people of Kashmir, are determined to mould our own destiny and we appeal to the members of the Cabinet Mission to recognise the justice and the strength of our cause.

Kashmir is not merely "a geographical expression" in the North-West of the vast sub-continent of India, famed for its beauty and natural wealth, but it is a land strategically situated, the meeting point of India, China and Russia, and as such has international significance.

Our homeland is the cradle of the Kashmiri nation which by virtue of the homogeneity of its language, culture and tradition and its common history of suffering is today one of the rare places in India where all communities are backing up a united national demand.

Our Plight

The immensity of the wrong done to our people by the sale deed of 1846 can only be judged by looking into the actual living conditions of the people of Kashmir. It is the depth of our torment that has given strength to our protest.

The State of Jammu and Kashmir is the biggest of the Indian States, covering 84,471 square miles of mountains and lowlands. Its revenues exceed 2½ crores of rupees, and it ranks as the third richest State in India.

Between the snow-adorned barrier ranges of the Himalayas and the earth-coloured and sun-scorched plains of the Punjab live our people, four millions of them, in Jammu and Kashmir, Ladakh and the Frontier regions in Poonch and the Chenani ilaqas, Muslims, Hindus, Sikhs, Buddhists, Christians, Kashmiri Pandits, Jains and Harijans inhabit the summer and winter capitals of Srinagar and Jammu, thirty-nine towns and nearly nine thousand villages.

Ninety-six out of every hundred of our people draw sustenance from the land, and live in farflung and isolated villages, oppressed by want and harried by disease. Their average yearly income barely reaches eleven rupees per head.

It is this poverty-stricken land which was transferred a hundred years ago in 1846 by the Treaty which, signed in the days of Cobden and Bright, claims to hold Kashmir in bondage even a quarter of a century after the fall of the Czarist Empire.

British Imperialism continues to stand guarantor of the sanctity of such treaties.

The age of liberalism and reform came and went, the era of revolutions blazed its trail across history but the land of Jammu and Kashmir remained in the dark hinterland of medieval traditions.

It was in the thirties, nearly a decade and a half ago, that the Kashmiri people took their own destiny in their hands and launched a mass struggle to wrest their rights of free civic existence from an autocratic government.

This people's movement, born as the Muslim Conference in 1932, became the spearhead of the masses of Kashmir, more than three-quarters of whom are Muslims.

It is during this period that the whole of India was shaken into new awakening following the Civil Disobedience Movement of 1931.

The Conference, though Muslim in name, spontaneously formed as an expression of the deep-rooted sufferings of the people, was in spirit national and was concerned with the welfare of all communities.

On the March

Our movement has been dynamic, and, as the years went on, it has rooted itself more and more deeply into the soil of the State.

In 1939 we formally converted the organisation into All Jammu and Kashmir National Conference; thus welcoming into our fold freedom-loving patriotic people from all communities.

We have weathered many storms, repression, jail and bullets in the struggle against the State authorities and their props those with feudal and vested interests in the exploitation of the people.

Thus the fight of the National Conference has been against the immemorial poverty of the peasant and the artisan, and the unmitigated helplessness of the worker.

The Conference has grown from strength to strength by virtue of its democratic ideal and its over-expanding mass following. During the whole of this period of growth we have been pressing for responsible government and the economic amelioration of the people of the State.

1934 Constitution

We reached our first constitution milestone in 1934 when the Legislative Assembly was constituted, consisting of 75 members, out of which however 42 were nominated and only 33 were elected. The President was also an official, and the Council of Ministers continued to govern as an irresponsible executive at the pleasure of His Highness the Maharajah Bahadur.

At the end of the first elections, the representatives of the people entered the Assembly and constituted the largest single homogeneous group. This group has carried on our struggle right inside the walls of the Assembly Chamber.

This setting up of the Legislative Assembly and the so-called constitutional advance which came subsequent to it only created an illusion of reforms without any substratum of reality, since there was no actual power in the hands of the People's representatives.

Before we go into a detailed analysis laying bare the utter inadequacy of such make-believe progress, it is of importance to expose the sinks of reaction, bestial cruelty and corruption hidden beneath this modern facade of constitutional reform.

Chenani in Chains

A typical illustration of what is happening in the backward areas of Kashmir is to be found in the Jagir of Chenani, a State within a State, which is today on the verge of rebellion, because of the intolerable misrule of an autocratic princeling.

Few of those who pass through Kud, on the Jammu Srinagar highway, realise what shameless robbery of human rights takes place in the territory of which it is a part.

The Jagirdar has got unlimited power over his subjects. The lives and property of the inhabitants of Chenani have been for years the play-things of arbitrary powers.

He monopolises trade and production and illegally seizes land on the flimsiest pretexts, and since the police, the jails, and all the machinery of law is in his own hands there is nobody to put a stop to his activities.

He is the collector of taxes, controller of food, civil and criminal judge all rolled into one.

He is also a shop-keeper dealing in controlled commodities and a money-lender who gives loans to his pauperised peasantry on usurious rates of interest.

In him are vested the powers of Sessions and District Judge with appellate jurisdiction.

Curiously the Rajah is almost illiterate and therefore unacquainted with the barest principles of law.

Those who have dared to raise their voices against these inhuman conditions in order to help their fellow subjects have been arrested, tortured and imprisoned.

Limited Franchise

Thus, it is against this background of darkness and oppression that we have to consider what the Government really stands for, and we would not limit ourselves to conditions in the big towns of the State which, though bad enough, are by comparison better. The hollowness of the 'democratic' structure which has been so far put up is revealed by the character of the franchise itself the limitations of which were recommended by the Franchise Committee of 1934. A more correct name for the Franchise Committee would be the Disfranchisement Committee, since 97% of the population were denied the right to vote.

This right was allowed only on a property and educational basis to the following categories of people :

(a) Payment of Rs. 20 as land revenue.
(b) Ownership of Rs. 600 worth of house property.
(c) Payment of Rs. 20 as Municipal Tax.
(d) Payment of Rs. 60 as rent.
(e) Education up to Class 8th.
(f) Holding of a title.
(g) Being a village headman, or holding any other such honorary office of distinction under the Crown.
(h) Being a pensioner.

The farce of the educational qualification is apparent from the fact that, in addition to being below the required tax level, the Muslim population which forms more than 80% of the population of the State is only 4% literate.

Farcical Amendments

In 1930, the constitution was amended and the elective element in a total house of 75 was raised to 40. This increase of seven members who are elected is deceptive, since they represent only special constituencies of big landlords, rural barons, government pensioners and the franchise is so restricted that in one constituency there are only 15 electors and in another just 16.

Four posts were created for parlimentary under secretaries from amongst the non-official members.

The fact that they were appointed by His Highness on a salary of Rs. 200 per month, at once, severed their allegiance from their respective electorates and hitched it to the government instead.

This aspect of the so-called reforms tantamounts to the reduction of the elected strength in the house.

The President of the Legislative Assembly is appointed by His Highness and is usually nominated from amongst the Judicial or executive officials of the State.

In addition, there is nothing to prevent the President from discharging other offices besides his own.

One of the President was all at one time the Law Minister, the Chief Justice, the President of the Scholarship Board and the Acting Prime Minister. It might be regarded as a matter of congratulation that he was not also Commander of the State forces.

The demarcation of constituencies throws still more light on the unreality of the constitutional machine. Vast areas of the State, with hundreds of thousands of inhabitants, have been summarily robbed of the right to vote, because members representing them are nominated by the State.

As to the elective constituencies themselves, they provide comic contrast. One constituency No. 31 Hindu beginning at the door post of Kashmir, Kohala nearly 2,500 feet high, rambles on the snowy peaks, of the Amarnath Cave of pilgrimage (16,000 feet high), covering a distance of over 220 miles, some of it on mere mountain tracks.

While on the one hand in a special constituency fifteen Jagirdars representing its total electorate have a right to send one representative, on the other the general constituencies of Muzaffarabad and Handwara with a population of 300,000 and 270,000 respectively can send only one representative each.

Kashmir Budget

The test of the powers of every democratic body lies in its ability to exercise control over finances.

In our State to start with, out of the total expenditure, over 36% (representing the combined expenditure incurred on the army and the privy purse) is reserved from the vote of the Assembly, thanks to section 45 of the Constitution Act.

As to the rest and item of expenditure not assented to by the Assembly can be restored with the aid of proviso A of section 45 which vests the right of certification in the Council of Ministers. And the Council of Ministers is not responsible to the Assembly.

The most astounding aspect of our State army is to be found in the discrimination which forms the basis of recruitment to the State forces.

No Kashmiri be he a Sikh, Muslim or a Kashmiri Pandit is allowed to join the State Army whose ranks are maintained as the exclusive preserve of certain castes in the Jammu Province.

Even during the war years Kashmiri fighters found opportunities for distinguishing themselves at arms only through joining the Indian Army.

It is a great stigma on our self-respect that the Kashmiris should be treated as a bought up race and at the same time be burdened with the huge bill which they are asked to foot for maintaining this army of occupation.

Maharaja's Loot

The privy purse of the Prince is another key point in the finance of our State.

Ostensibly it is only 5% of the total income of the State, but departments like the Royal Stores, Ceremonies Department, His Highness' Motor Garages, the Hunting Lodges, are not included in the Privy purse although they are actually a part of it. They cost one and a quarter million rupees annually.

In addition also are the allowances for His Highness' household, which come yearly to nearly half a million rupees. There is yet another item.

The State compensates His Highness the Maharaja for the personal jagirs which he had to surrender to the State soon after his accession to the throne to avoid the anomaly of being the Ruler and the subject at the same time. For that he is paid 8½ lacs of rupees annually.

In addition, His Highness enjoys immunity from Income Tax and Customs Duties—which though formally paid to the Treasury are refunded at the end of the year. In the year 1930-31 alone Rs. 3,10,000 were refunded in this manner.

Beneficent Departments

As to budget allocations for essential services, and nation-building departments—agriculture, horticulture, industry, veterinary services, co-operatives, panchayats, rural uplift—these amount to one quarter million rupees, and the expenditure on police alone exceeds one and a half million rupees.

Less than 9% of the total budget is spent on education and in spite of the vast areas to be covered there are less than a thousand primary schools, only nineteen high schools and not even a single girls' college.

The Medical Department controls only two hospitals worth the name—one at Srinagar and one at Jammu—and there are none in the vast frontier areas.

Three women's hospitals are totally inadequate and each Government dispensary serves an area of nearly 800 sq. miles, often intersected by mountainous tracts, and the ratio is 1 : 38,000 people.

Communications are rudimentary. An area of 85,000 sq. miles has only 500 miles of metalled roads. This includes 350 miles of the highways linking the State with the outside world.

Nothing better than this budget reveals the hollowness of such a limited experiment in constitutional advance.

These mock reforms only injured the legitimate aspirations of the politically awakened masses of Kashmir and whipped them into conducting a more intensified struggle for the establishment of responsible Government.

In fact the period following the formation of the Legislative Assembly is replete with heroic examples of the peoples' struggle against barbarous repression.

At long last, as a consequence of the growing strength of the movement of the people, His Highness announced in the year 1944 his intention to nominate two ministers from a panel of six names suggested by the Legislative Assembly.

Bartering Away the Future

This helplessness of an enslaved people has made the State a hunting ground of economic adventures, and the present administration have already given ample proof of their complete inability to safeguard the national interests of our people.

In fact, they have themselves become instrumental in bartering away the long-range interests of the people of the State to outside capitalists wishing to exploit the unrivalled natural resources of our country.

The most glaring instance of such a deal is provided by an agreement entered into by Prime Minister R.C. Kak on behalf of the Government of Jammu and Kashmir with New India Insurance Company of Bombay on 29th September, 1945, by virtue of which the Government have agreed to place with the company exclusively all the insurance of Government property inside and outside the State.

This agreement binding for seven years, has eliminated all fair competition from outside, and throttled the development of insurance inside the state. Hundreds of Kashmiri families living by insurance work have had their livelihoods jeopardised.

Tatas to Control Kashmir

Another example of a ruinous agreement of to exploit the State resources, is the sanctioning by His Highness the Maharaja of a contract with the Tatas. This gives them the exclusive right of developing or arresting the industrial development of Kashmir.

The signing of such an agreement without reference to the people gives the surest justification of a complete transfer of power to the elected representatives of the people. Complete freedom in its modern context is for us a matter of sheer survival.

The claim of the Kashmir people to be masters of their own destiny is reflected against the background history of exploitation and this new threat to its economic potentialities.

P-191

In the past, the British sold us away to feudal Dogra barons; and on the centenary of our sale, this very Dogra House is selling our future to a family of commercial magnates in British India.

Thus at a time when the new world is being built on the foundations of the Atlantic Charter a new perspective of freedom is opening before the Indian people.

The fate of the Kashmiri nation is in the balance and in this hour of decision we demand our basic democratic right to send our elected representatives to the constitution-making bodies that will construct the framework of Free India.

We emphatically repudiate the right of the Princely Order to represent the people of the Indian States or their right to nominate their personal representatives as our spokesman.

We appeal to the democratic goodwill of the British Cabinet Mission not to betray the just aspirations of our people or underestimate their vital will to freedom.

(Source : Bhushan, Vidya: State politics And Government Jammu & Kashmir op. cit PP 360-370)

The Sheikh Mohammad Abdullah put his case openly and emphatically in telegram to the Cabinet Mission. It read:

> "Today the National Conference demand of the people of kashmir is not merely the establishmeent of responsible government, but their right to absolute freedom from autocratic rule. The immensity of the wrong done to our people by the sale deed of 1846 can only be judged by looking into the actual living condition of the people. It is the depth of our ferment that has given strength to our protest."[15]

The Maharaja's refusal to grant interview to the Sheikh further provoked him. He launched the 'Quit Kashmir Movement'. In his speeches in the first week of May 1946, the Sheikh condemned the Dogra rule as an "alien rule comparable to that of the Sikhs, Pathans and Mughals. He demanded to terminate the autocratic rule of the Dogra ruler, abrogation of the treaty of Amritsar and the right of ~~15a~~ self-determination for Kashmiris."

(source: yasin, Mohammed: History of the Freedom Struggle in J&K Light and Life new delhi 1980 P-71)

38

P-193

Even Acharya Kripalani, the Congress President, in a speech on 25 May said:

> "Quit Kashmir was not a correct or a happy one. Gandhi's slogan of 'Quit-India' was directed towards the Britishers, a foreign power, who had come to rule over us from six thousand miles away. But it would not be proper to adopt the same who was their brother and fellow countryman".[18]

P.T.O.

(Source: Shankar, Uma: Kashmir: Triumph And Tragedy
India Publishing House New Delhi 1970 P-24)

(39) (40) P-195 Sheikh Mohd. Abdullah's statement on the occassion of his release from the prison on Sept. 29, 1947.

"If the state's accession with India or Pakistan is done from upper chambers without the consent of the forty lakhs of people of Jammu & Kashmir, I shall raise revolt and, they, will all have to launch another struggle".

(G.M. Shah: Izhar-i-Haq: Kashmir Conspiracy Case Report.
~~Delhi~~ Kohinoor Printing Press
Delhi, 1981?

39

P-194

Appendix 1

Standstill Agreement with India and Pakistan, August 12 1947

Identical telegrams were sent by the Prime Minister of Kashmir to Dominions of India and Pakistan on August 12 1947. The text is as follows:

"Jammu and Kashmir Government would welcome Standstill Agreements with India (Pakistan) on all matters on which these exist at present moment with outgoing British India Government. It is suggested that existing arrangements should continue pending settlement of details.

Reply from Government of Pakistan sent on August 15 1947:

"Your telegram of the 12th. The Government of Pakistan agree to have a Standstill Agreement with the Government of Jammu and Kashmir for the continuance of the existing arrangements pending settlement of details and formal execution."

Reply from Government of India:

"Government of India would be glad if you or some other Minister duly authorised in this behalf could fly to Delhi for negotiating Standstill Agreement between Kashmir Government and India Dominion. Early action desirable to maintain intact existing agreements and administrative arrangements."

The representative of Kashmir did not visit Delhi and no Standstill Agreement was concluded between the State and the Dominion of India.

Source: Strategic Analysis - A Magzine
published from The High way Beyond
Agra - oct. 2001

~~Sources~~

p-196

paramountcy was to lapse and the Princes of States would become free to decide about joining any of the two Dominions - India and Pakistan - or to remain independent.[1] The plan was ultimately accepted by both the leaders of Congress and League.[2]

On 15th August,1947, India and Pakistan emerged as two Independent Dominions. Like some of other princes, the Maharaja of Kashmir being carried away by sentimentalism rather than realism and supported by his advisers and even some of the leaders of the politically conscious groups in the state, also fondled with the idea of independence. In the course of a letter dated 26th October,1947 to Lord Mountbatten, the Governor General of India, the Maharaja said,[3]

40

The Maharaja Hari Singh letter to Lord Mountbatten, dated oct. 26, 1947

> "I wanted to take time to decide to which Dominion I should accede and whether it is not in the best interests of both the Dominions and my state to stand independent, of course, with friendly and cordial relations with both."

---

[1] India and Kashmir - Constitutional Aspect, Ministry of Information and Broadcasting, Jammu and Kashmir Government, year not known, pp.1-2.

[2] Phillips, G.H. and Wain Wright, The Partition of I Policies and Perspectives, 1935-1947, George Allen and Union Ltd., 1970,p.220.

[3] Maharaja to Mountbatten, Letter of 26th October, 1947.

42

needs ~~than the needs of an ultimate accession to India~~. On 3 October 1947, Sheikh Abdullah, at a meeting in Srinagar, observed :

> "Our choice for joining the Indian Union or Pakistan would be based on the welfare of 40 lakhs of people living in Jammu and Kashmir state. I assure the Hindus and Sikhs that as long as I am alive their life and honour will be safe"[26]

42

~~This~~ obviously meant that he was insisting on having a ~~'Responsible~~ Government' ~~which he wanted before he was arrested~~. As late as 10 October, even as the first

(Source : The Hindustan Times ~~158~~ oct 6, 1947

(43) (43)

As late as 10th oct. 1947 even as the first infiltrations into Kashmir had begun Sheikh Abdullah said in an interview in Delhi :

> "Kashmir cannot immediately decide the question of accession to either Dominion. A quick decision on this issue would be incorrect and unwise too. It is much more necessary at present for Kashmir to secure the establishment of self-government, so that the people armed with authority and responsibility could decide for themselves where their interests lay".[27]

He further said :

> "The invaders who came in the name of Pakistan to make us believe that they were true servants of Islam, scorched our land, ruined our homes despoiled the honour of our women and devastated hundreds of villages. These lovers of Pakistan dishonoured our mosques which they turned into brothels to satisfy their animal lust ... with abducted women".[28]

(The National Conference volunteers were busy in restoring peace in the state. But the condition deteriorated with the attack of Pakistan.) In a letter to Sardar Patel, Meherchand Mahajan, the then Prime Minister of Kashmir, wrote :

> "The situation in the state at the present moment is such that one cannot get a single moment to

---

27- The Statesman, oct.10,1947

28. Sharma, B.L: Kashmir Awakes. Vikas publication Delhi 1971 P-83

P.-199

think of politics. We are practically working on a war basis and every minute of our time is taken up with the border situation which is worsening every day".[29]

The Maharaja finally decided to aks for help from India. The first report of raid was received in New Delhi on 24 October 1947. It was on that night that the request was made by the Kashmir Government to the Indian Government for military help. The Government of India made it clear to the Maharaja's emissary that it could not accede to the Maharaja's request for military help until the Maharaja offered his state's accession to India. ✓In his letter, the Maharaja requested ~~him~~ Lord Mountbatten for military assistance and signed the Instrument of Accession.[30] In his own words : 45 46

> "Give army, take accession and give whatever power you want to popular party, but the army first fly to Srinagar this evening. Otherwise, I will go and negotiate terms with Mr Jinnah as the city must be saved".[31]

Meanwhile, in response to 'His-Highness' appeal for military aid, action had been taken on 27 October. it was on this day that Kashmir's accession to the Indian Dominion was accepted by the Government of India. Gururaj Rao maintains that the "accession of Kashmir became a legal fact" when the Maharaja signed the Instrument of Accession".[32]

29. Dass, Durga (ed): Sardar Patels' Correspondence New Light on Kashmir ~~158~~ ~~Nov~~ vol-1. Navjivan Publication House Ahmedabad 1971 P-63 .

31. Amrit Bazar Patrik. 9th June 1957

2

~~After 1947~~

(Text of letter dated October 26, 1947 from Sri Hari Singh, the Maharaja of Jammu and Kashmir to Lord Mountbatten, the Governor-General of India.)

My dear Mountbatten,

I have to inform your Excellency that a grave emergency has arisen in my State and request immediate assistance of your Government.

As your Excellency is aware the State of Jammu and Kashmir has not acceded to the Dominion of India or to Pakista. Geographically my State is contiguous to both the Dominions. It has vital economical and cultural links with both of them. Besides, my State has a common boundary with the Soviet Republic and China. In their external relations the Dominions of India and Pakistan cannot ignore this fact.

I wanted to take time to decide to which Dominion I should accede, or whether it is not in the best interests of both the Dominions and my State to stand independent, of course with friendly and cordial relations with both.

I accordingly approached the Dominions of India and Pakistan to enter into Stand-still Agreement with my State. The

P-201

Pakistan Government accepted this Agreement. The Dominion of India desired further discussions with representatives of my Government. I could not arrange this in view of the developments indicated below. In fact the Pakistan Government are operating Post and Telegraphy system inside the State.

Though we have got a Standstill Agreement with the Pakistan Government that Government permitted steady and increasing strangulation of supplies like food, salt and petrol to my State.

Afridis, soldiers in plain clothes, and desperadoes with modern weapons have been allowed to infilter into the State at first in Poonch and then in Sialkot and finally in area adjoining Hazara District on the Ramkot side. The result had been that the limited number of troops at the disposal of the State had to be dispersed and thus had to fact the enemy at the several points simultaneously, that it has become difficutt to stop the wanton destruction of life and property and looting. The Mahora powerhouse which supplies the electric current to the whole of Srinagar has been burnt. The number of women who have been kidnapped and raped makes my heart bleed. The wild forces thus let loose on the State are marching on with the aim of capturing Srinagar, the summer Capital of my Government, as first step to overrunning the whole State.

The mass infiltration of tribesmen drawn from the distant areas of the North-West Frontier coming regularly in motor trucks using Mansehra-Muzaffarabad Road and fully armed with up-to-date weapons cannot possibly be done without the knowledge of the Provincial Government of the North-West Frontier Province and the Government of Pakistan. In spite of repeated requests made by my Government no attempt has been made to check these raiders or stop them from coming to my State. The Pakistan Radio even put out a story that a Provisional Government has been set up in Kashmir. The people of my State both the Muslims and non-Muslims generally hāve taken no part at all.

P-202

With the conditions obtaining at present in my State and the great emergency of the situation as it exists, I have no option but to ask for help from the Indian Dominion. Naturally they cannot send the help asked for by me without my State acceding to the Dominion of India. I have accordingly decided to do so and I attach the Instrument of Accession for acceptance by your Government. The other alternative is to leave my State and my people to free-booters. On this basis no civilized Government can exist or be maintained. This alternative I will never allow to happen as long as I am the Ruler of the State and have life to defend my country.

I may also inform your Excellency's Government that it is my intention at once to set up an interim Government and ask Sheikh Abdullah, to carry the responsibilities in this emergency wiih my Prime Minister.

If my State has to be saved immediate assistance must be available at Srinagar. Mr. Menon is fully aware of the situation and he will explain to you, if further explanation is needed.

In haste and with kindest regards.

Yours sincerely,
HARI SINGH

The Palace, Jammu
26th October 1947.

P.T.O.

P-203

Source: Bakeshi, S. R: Sheikh Mohammad
Abdullah.
Jay Kay Book House
Jammu, 1995. P.P 33-35

p-204

State he once ruled, the House he belonged to, and the Dominion he ultimately acceded to.

His armed forces were engaged in fighting on two fronts, so to speak. First, a portion of them tried to quell the uprising in the Poonch area and secondly, their attempt to fight the tribal invaders in the area of Muzaffarabad was a charge beyond their military strength and valour.

The State forces on the Muzaffarabad sector were gradually thrown back and the Poonchi-Muslim troops treacherously deserted to the other side and, in fact, acted as guides and "advance guard" to the advancing tribal lashkar which reached Kohala by October 25. Paradoxically, the Maharaja had had occasion of asking one of his officers, a Lieut. Colonel Narain Singh, whether he could rely on the loyalty of the Muslim composition of his battalion, he unhesitatingly answered, more than on the Dogras !

Realising the critical nature of the developing situation and being pressed by the leader of the National Conference—Sheikh Abdulla—the Maharaja agreed to accede to India which information was communicated to the Government of India, with the request for prompt military aid.

p-205

The Defence Committee of the Cabinet of the Government of India considered the situation in Kashmir and the request made by the Government of Jammu and Kashmir State for help against the raiders who had entered their territory and caused great loss and the suggestion that the Kashmir State should accede to the Indian Union was also considered. The Committee came to the following conclusion, which was subsequently confirmed by the Cabinet on October 26, 1947 :

Defence committee

(1) In view of the request made by the Kashmir Government for help against raiders who have entered their territory, the Government of India have decided to give such help. In furtherence of this decision they are sending troops by air tomorrow to Srinagar. They intend reinforcing these troops by air as well as by the land route via Jammu, as the defence of Kashmir has become their responsibility now and they intend to discharge it to the best of their ability.

(2) His Highness the Maharaja, in accordance with his wishes and the wishes of a large number of his people, will agree to Jammu and Kashmir State acceding to the Indian Union. The Government of India will accept this accession provisionally subject to their declared policy that such matters should be finalised in accordance with the will of the

D-206

people. Any reference to the people can only take place when law and order have been fully established.

(3) H.H. The Maharaja will invite Sheikh Abdulla to form an interim Government after the Mysore pattern.

Orders were accordingly issued to the C-in-C of the Indian Army—a British Officer—to arrange for military aid to be sent to Srinagar the following morning, i.e., October 27, 1947, by air.

Source: Atal, Maj-Gen. Hira Lal: Nehru's Emissary to Kashmir, Army Educational Stores New Delhi 1972. pp-6-7)

CHAPTER 2

THE RAIDERS AND INDIA'S MILITARY AID

The Indian Army and Air Force went into action in Kashmir at 12 hours notice - an operation seldom in the annals of warfare has been put through without previous planning and such precision. The natural obstacles were formidable; they had to face not only an enemy but their major battle was against the elements. Climatic conditions worsened as time went by—roads were snowbound and the supply problem was a nightmare for those who were responsible for it.

No road-link worth the name existed between India and Kashmir. The distance by air from Delhi, the base of the Indian Army at that time, to Srinagar was roughly 500 miles and that by road to Jammu 600 miles and from there to Srinagar roughly 200 miles.

APPENDIX-~~II~~

(47)

INSTRUMENT OF ACCESSION OF JAMMU AND KASHMIR STATE

Whereas, the Indian Independence Act, 1947, provides that as from the fifteen day of August, 1947, there shall be set up an independent Dominion known as India, and that the Govt. of India Act, 1935, shall, with such omissions, additions, adaptations and modifications as the Governor-General may by the order specify, by applicable to the Dominion of India.

And whereas the Govt. of India Act, 1935, as so adapted by the Governor-General provides than an India State may accede to the Dominion of India by an Instrument of Accession executed by the Ruler thereof ;

Now therefore I Shriman Indar Mahendar Raj Rajeshwar Maharajadhiraj Shri Hari Singhji Jammu Kashmir Naresh Tatha Tibbet Adi Deshadhipathi Ruler of Jammu and Kashmir State in the exercise of my sovereignty in and over my said State do hereby execute this my Instrument of Accession and;

1. I, hereby declare that I accede to the Dominion of India with the intent that the Governor-General of India, the Dominion Legislature, the Federal Court and any other Dominion authority established for the purposes of the Dominion shall, by virtue of this my Instrument of Accession, but subject always to the terms thereof, and for the purposes only of the Dominion, exercise in relation to the State of Jammu and Kashmir (hereinafter referred to as "this State") such functions as may be vested in them by or under the Govt. of India Act, 1935, as in force in the Dominion of India on the

15th Day of August, 1947 (which Act as so in force is hereinafter referred to as "the Act").

2. I hereby assume the obligation of ensuring that due effect is given to the provisions of the Act within this State so far as they are applicable therein by virtue of this my Instrument of Accession.

3. I accept the matters specified in the Schedule hereto as the matters with respect to which the Dominion Legislature may make laws for this State.

4. I hereby declare that I accede to the Dominion of India on the assurance that if an agreement is made between the Governor-General and the Ruler of this State whereby any functions in relation to the administration in this State of any law of the Dominion Legislature shall be exercised by the Ruler of this State, then any such agreement shall be deemed to form part of this instrument and shall be construed and have effect accordingly.

5. The terms of this my Instrument of Accession shall not be varied by any amendment of the Act or of the Indian Independence Act, 1947, unless such amendment is accepted by an instrument supplementary to this instrument.

6. Nothing in this Instrument shall empower the Dominion Legislature to make any law for this State authorising the compulsory acquisition of land for any purpose, but I hereby undertake that should the Dominion for the purposes of a Dominion Law which applies in this State deem it necessary to acquire any land, I will at their request acquire the land at their expense or if the land belongs to me transfer it to them on such terms as may be agreed, or, in default, of agreement, determined by an arbitrator to be appointed by the Chief Justice of India.

7. Nothing in this Instrument shall be deemed to commit me in any way to acceptance of any future constitution of India or to fetter my discretion to enter into arrangements with the Government of India under any such future constitution.

8. Nothing in this Instrument affects the continuance of my sovereignty in and over this state, or save as provided by

or under this Instrument, the exercise of any powers, authority and rights now enjoyed by me as Ruler of this State or the validity of any law at present in force in this State.

9. I hereby declare that I execute this Instrument on behalf of this state and that any reference in this Instrument, to me or to the Ruler of the State is to be construed as including a reference to my heirs and successors.

Given under my hand this 26th Day of October Nineteen Hundred and Forty-seven.

Sd/- Hari Singh
Maharajadhiraj of Jammu and Kashmir State

I do hereby accept this Instrument of Accession. Dated this twenty-seventh day of October Nineteen Hundred and Forty-seven.

Sd/- Mountbatten of Burma
Governor General of India

Source : Bhushan, Vidya : State politics And Government
Jammu &Kashmir
op.cit. PP371-373.

Source; Anand, Adarsh Sein: Development of Constitution
Jammu & Kashmir
op. cit. PP 348-349.

p-210

Schedule

The matters with respect to which the Dominion Legislature may make laws for this State

A. Defence

1. The naval, military and air forces of the Dominion and any other armed force raised or maintained by the Dominion; any armed forces, including forces raised or maintained by an acceding State, which are attached to, or operating with, any of the armed forces of the Dominion.
2. Naval, military and air force works, administration of cantonment areas.
3. Arms, fire-arms; ammunition.
4. Explosives.

B. External Affairs

1. External affairs; the implementing of treaties and agreements with other countries; extradition, including the surrender of criminals and accused persons to parts of His Majesty's dominions outside India.
2. Admission into, and emigration and expulsion from, India, including in relation thereto the regulation of the movements of India of persons who are not British

subjects domiciled in India or subjects of any acceding State, pilgrimages to places beyond India.

C. Communications

1. Posts and telegraphs, including telephones, wireless, broadcasting, and other like forms of communication.
2. Federal railways; the regulation of all railways other than minor railways in respect of safety, maximum and minimum rates and fare, station and services terminal charges, interchange of traffic and the responsibility of railway administration as carriers of goods and passengers; the regulation of minor railways in respect of safety and the responsibility of the administration of such railways as carriers of goods and passengers.
3. Maritime shipping and navigation, including shipping and navigation on tidal waters; Admiralty jurisdiction.
4. Port quarantine.
5. Major ports, that is to say, the declaration and delimitation of such ports, and the constitution and powers of Port authorities therein.
6. Aircraft and air navigation; the provision of aerodromes; regulation and organisation of air traffic and of aerodromes.
7. Lighthouses, including lightships, beacons and other provisions for the safety of shipping and aircraft.
8. Carriage of passengers and goods by sea or by air.
9. Extension of the powers and jurisdiction of members of the police force belonging to any unit to railway area outside that unit.

D. Ancillary

1. Elections to the Dominion Legislature, subject to the provisions of the Act and of any Order made thereunder.
2. Offences against the laws with respect to any of the aforesaid matters.

3. Inquiries and statistics for the purposes of any of the aforesaid matters.
4. Jurisdiction and powers of all courts with respect to any of the aforesaid matters but, except with the consent of the Ruler of the Acceding State, not so as to confer any jurisdiction or powers upon any courts other than ordinarily exercising jurisdiction in or in relation to that State.

Source. Ibid pp. 350-353

Maharaja Sir Hari Singh's pronouncement over the Raid of 27th oct 1947. pertaining to the formation of Interim Govt.

bother about this incident and carry on with the very important work you are doing.

Yours

Jawaharlal Nehru.

Later in the day we heard the following pronouncement over the radio :—

"The Maharaja of Jammu and Kashmir has invited Sheikh Abdulla, Leader of the National Conference, which had shown genuine interest in the welfare of the State subjects, to form an 'interim government'.

Declaring, that the Government will be on the model of that recently set up in Mysore State with such modifications as are necessitated by local conditions and by special obligation in regard to backward areas, Jagir and feudatory chiefs.

That, pending the formation of the 'interim government', as agreed upon, and in view of the emergency that has arisen, the Maharaja of Jammu and Kashmir has commanded that Sheikh Abdulla should function as 'head of the administration' with power to deal with the emergency."

P-215

Sheikh Abdulla was accordingly sworn in as Prime Minister by the Chief Justice on October 31, 1947, who in turn appointed ten popular leaders as honorary heads of the various departments.

Thus the Interim Government was established.

P.T.O

source: Atal, Major-Gen Karia Lal:
Nehru's Emissary to Kashmir
op.cit PP 60-61

D-216

(50)

Appendix V

BY HIS HIGHNESS RAJA RAJESHWAR MAHARAJA-DHIRAJ SHREE MAHARAJA HARI SINGHJI BAHADUR INDAR MAHINDAR SIPAR-I-SALTANAT-I-INGLISHIA MAHARAJA BAHADUR OF JUMMU & KASHMIR

A PROCLAMATION

(March 5, 1948)

In accordance with the traditions of my dynasty I have from time to time, provided for increasing associations of my people with the administration of the State with the object of realising the goal of full responsible government at as early a date as possible and in pursuance of that object have, by the Jammu and Kashmir Constitution Act of 1996 (Act XIV of 1996), established a Constitutional Government with a Council of Ministers, a Legislature with a majority of elected members and a Independent judiciary;

I have noted with gratification and pride the progress so far made and the legitimate desire of my people for the immediate establishment of a fully demoractic constitution based on adult franchise with a hereditary Ruler from my dynasty as the Constitutional head of an Executive responsible to the Legislature; I have already appointed the popular leader of my people, Sheikh Mohammed Abdullah as the Head of the Emergency Administration;

It is now my desire to replace the Emergency Administration by a popular Interim Government and to provide for its powers, duties and functions, pending the framing of a fully democratic Constitution;

I accordingly hereby ordain as follows :

(1) My Council of Ministers shall consist of a Prime Minister and such other ministers as may be appointed on the advice of the Prime Minister. I have by Royal Warrant appointed Sheikh Mohammed Abdullah as the Prime Minister with effect from 1st day of March, 1948.

(2) The Prime Minister and other Ministers shall function as a Cabinet and act on the principle of joint responsibility. A Dewan appointed by me shall also be a member of the Cabinet.

(3) I take this opportunity of giving once again a solemn assurance that all sections of my people will have to opportunity of service, both civil and military, solely on the basis of their merits and irrespective of creed or community.

(4) My Council of Ministers shall take appropriate steps, as soon as restoration of normal conditions have been completed, to convene a National Assembly based upon adult suffrage, having due regard to the Principle that the number of representatives from each voting area should, as far as practicable, be proportionate to the population of the area.

(5) The Constitution to be framed by the National Assembly shall provide adequate safeguards for the minorities and contain appropriate provisions guaranteeing freedom of conscience, freedom of the speech and freedom of Assembly.

(6) The National Assembly shall, as soon as the work of framing the new Constitution is completed, submit it through the Council of Ministers for my acceptance.

(7) In conclusion I repeat the hope that the formation of a popular Interim Government and the inauguration, in the near future, of a fully democratic Constitution will ensure the contentment, happiness and the moral and material advancement of my beloved people.

The composition of the popular Interim Government:

1. Sheikh Mohd. Abdullah .... prime Minister

2. Bakashi Ghulam Mohd .... Deputy prime Minister

3. Mirza Afzal Beg ... Revenue

4. Sardar Budh Singh ... Health and Rehabilitation

5. G. M. Sadiq .... Development

6. Sham Lal Saraf .... civil supplies and Local self-Govt.

7. G. L. Dogra .... finance

8. Pir Mohammad Khan ... Education

Source: J&K Government Gezette, March 1948)

Additional Documents on India–Pakistan Relations

Appendix–1

Resolution of the UN Security Council of 21 April 1948

The Security Council,

Having considered the complaint of the Government of India concerning the dispute over the State of Jammu and Kashmir, having heard the representative of India in support of that complaint and the reply and counter-complaints of the representatives of Pakistan;

Being strongly of opinion that the early restoration of peace and order in Jammu and Kashmir is essential and that India and Pakistan should do their utmost to bring about a cessation of all fighting;

Noting with satisfaction that both India and Pakistan desire that the question of the accession of Jammu and Kashmir to India or Pakistan should be decided through the democratic method of a free and impartial plebiscite;

Considering that the continuation of the dispute is likely to endanger international peace and security;

Reaffirms the Council's Resolution of January 17th;

Resolves that the membership of the Commission established by the Resolution of the Council of January 20th, 1948, shall be increased to five and shall include in addition to the membership mentioned in that Resolution, representatives of __________ and __________ and that if the membership of the Commission has not been completed within ten days from the adoption of this Resolution, the President of the Council may designate such other Member or Members of the United Nations as are required to complete the membership of five;

Instructs the Commission to proceed at once to the Indian sub-continent and there place its good offices and mediation at the disposal of the Government of India and Pakistan with a view to facilitating the taking of the necessary measures; both with respect to the restoration of peace and order and to the holding of a plebiscite by the two Governments, acting in cooperation with one another and with the Commission and further instructs the Commission to keep the Council informed of the action taken under the Resolution and to this end:

Recommends to the Governments of India and Pakistan the following measures as those which in the opinion of the Council are appropriate to bring about a cessation of the fighting and to create proper conditions for a free and impartial plebiscite to decide whether the State of Jammu and Kashmir is to accede to India or Pakistan.

A. Restoration of Peace and Order

1. The Government of Pakistan should undertake to use its best endeavours:

D-220

(a) To secure the withdrawal from the State of Jammu and Kashmir of tribesmen and Pakistani nationals not normally resident therein who have entered the State for the purpose of fighting and to prevent any intrusion into the State of such elements and any furnishing of material aid to those fighting in the State.

(b) To make known to all concerned that the measures indicated to this and the following paragraphs provide full freedom to all subjects of the State, regardless of creed, caste, or party, to express their views and vote on the question of the accession of the State, and that therefore they should cooperate in the maintenance of peace and order.

2. The Government of India should:

(a) When it is established to the satisfaction of the Commission set up in accordance with the Council's Resolution of 20 January that the tribesmen are withdrawing and that arrangements for the cessation of the fighting have become effective, put into operation in consultation with the Commission a plan for withdrawing their own forces from Jammu and Kashmir and reducing them progressively to the minimum strength required for the support of the civil power in the maintenance of Law and Order.

(b) Make known that the withdrawal is taking place in stages and announce the completion of each stage.

(c) When the Indian forces shall have been reduced to the minimum strength mentioned in (a) above, arrange in consultation with the Commission for the stationing of the remaining forces to be carried out in accordance with the following principles:

  (i) That the presence of troops should not afford any intimidation or appearance of intimidation to the inhabitants of the State,

  (ii) That as small a number as possible should be retained in forward areas, and

  (iii) That any reserve of troops which may be included in the total strength should be located within their present Base area.

3. The Government of India should agree that until such time as the plebiscite administration referred to below finds it necessary to exercise the power of direction and supervision over the State forces and police provided for in Paragraph 8 they will be held in areas to be agreed upon with the Plebiscite Administrator.

4. After the plan referred to in paragraph 2(a) above has been put into operation, personnel recruited locally in each district should so far as possible be utilised for the re-establishment and maintenance of Law and Order with due regard to protection of minorities, subject to such additional requirements as may be specified by the Plebiscite Administration referred to in paragraph 7.

5. If these local forces should be found to be inadequate, the Commission, subject to the agreement of both the Government of India and the Government of Pakistan, should arrange for the use of such forces of either Dominion as it seems effective for the purpose of pacification.

B. Plebiscite

6. The Government of India should undertake to ensure that the Government of the State invites the major political group to deisgnate responsible representatives to share equitably and fully in the conduct of the administration at the Ministerial level, while the plebiscite is being prepared and carried out.

7. The Government of India should undertake that there will be established in Jammu and Kashmir a Plebiscite Administration to hold a Plebiscite as soon as possible on the question of the accession of the State to India or Pakistan.

8. The Government of India should undertake that there will be delegated by the State to the Plebiscite Administration such powers as the latter considers necessary for holding a fair and impartial plebiscite including, for that purpose only, the direction and supervision of the State forces of police.

9. The Government of India should at the request of the Plebiscite Administration make available from the Indian forces such assistance as the Plebiscite Administration may require for the performance of its functions.

10.(a) The Government of India should agree that a nominee of the Secretary-General of the United Nations will be appointed to be the Plebiscite Administrator.

(b) The Plebiscite Administrator, acting as an officer of the State of Jammu and Kashmir, should have authority to nominate his Assistants and other subordinates and to draft regulations governing the Plebiscite. Such nominees should be formally appointed and such draft regulations should be formally promulgated by the State of Jammu and Kashmir.

(c) The Government of India should undertake that the Government of Jammu and Kashmir will appoint fully qualified persons nominated by the Plebiscite Administrator to act as special magistrates within the State judicial system to hear cases which in the opinion of the Plebiscite Administrator have a serious bearing on the preparation for and the conduct of a free and impartial plebiscite.

(d) The terms of service of the Administrator should form the subject of separate negotiation between the Secretary-General of the United Nations and the Government of India. The Administrator should fix the terms of service for his Assistants and subordinates.

(e) The Administrator should have the right to communicate direct with the Government of the State and with the Commission of the Security Council and, through the Commission with the Security Council, with the Governments of India and Pakistan and with their Representatives with the Commission. It would be his duty to bring to the notice of any or all of the foregoing (as he in his discretion may decide) any circumstances arising which may tend, in his opinion, to interfere with the freedom of the Plebiscite.

11. The Government of India should undertake to prevent and to give full support to the Administrator and his staff in preventing any threat, coercion or intimidation, bribery or other undue influence on the voters in the plebiscite, and the Government of India should publicly announce and should cause the Government of the State to announce this undertaking as an international obligation binding on all public authorities and officials in Jammu and Kashmir.

12. The Government of India should themselves and through the Government of the State declare and make known that all subjects of the State Jammu and Kashmir, regardless of creed, caste or party, will be safe and free in expressing their views and in voting on the question of the accession of the State and that there will be freedom of the press, speech and assembly and freedom of travel in the State, including freedom of lawful entry and exit.

13. The Government of India should use and should ensure that the Government of the State also use their best endeavours to effect the withdrawal from the State of all Indian nationals other than those who are normally resident therein or who on or since 15 August 1947 have entered it for a lawful purpose.

14. The Government of India should ensure that the Government of the State release all political prisoners and take all possible steps so that:

(a) all citizens of the State who have left it on account of disturbances are invited, and are free, to return to their homes and to exercise their rights as such citizens:

p-222

(b) there is no victimization; and

(c) minorities in all parts of the State are accorded adequate protection.

15. The Commission of the Security Council should at the end of the plebiscite certify to the Council whether the plebiscite has or has not been really free and impartial.

C. General Provisions

16. The Governments of India and Pakistan should each be invited to nominate a Representative to be attached to the Commission for such assistance as it may require in the performance of its task.

17. The Commission should establish in Jammu and Kashmir such observers as it may require of any of the proceedings in pursuance of the measures indicated in the foregoing paragraphs.

18. The Security Council Commission should carry out the tasks assigned to it herein.

P.T.O.

Source : ~~Stratig~~ Strategic Analysis.
Nov. 2001
Op. cit PP. 375-378

52 P-223

(52)

A resolution moved by Sheikh Mohd Abdullah during the All J&K National Conference Convention held in 1948.

"... The Convention feels very strongly the urgency of convening a Constituent Assembly on the basis of adult franchise for framing a Democratic Constitution for the State and for giving a concrete shape to the aspiration of the people ...."

(Source: All J&K National Conference 21st Annual Session - political Resolutions published by Abdul Rashid G. Secretary."

~~Appendix 3~~

UNCIP Resolution of January 5 1949

The United Nations Commission for India and Pakistan, having received from the Governments of India and Pakistan, in communications dated December 23 and December 25 1948, respectively, their acceptance of the following principles which are supplementary to the Commission's resolution of August 13 1948.

1. The question of the accession of the State of Jammu and Kashmir to India or Pakistan will be decided through the democratic method of a free and impartial plebiscite.

2. A plebiscite will be held when it shall be found by the Commission that the cease-fire and truce arrangements set forth inn Parts I and II of the Commission's resolution of August 13, 1948, have been carried out and arrangement's for the plebiscite have been completed.

3. (a) The Secretary-General of the United Nations will, in agreement with the Commission, nominate a Plebiscite Administration who shall be a personality of high international standing and commanding general confidence. He will be formally appointed to office by the Government of Jammu and Kashmir;

(b) The Plebiscite Administrator shall derive from the State of Jammu and Kashmir the powers he considers necessary for organising and conducting the plebiscite and for ensuring the freedom and impartiality of the plebiscite;

(c) The Plebiscite Administrator shall have authority to appoint such staff of assistants and observers as he may require.

4. (a) After implementation of Parts I and II of the Commission's resolution of August 13 1948, and when the Commission is satisfied that peaceful conditions have been restored in the State, the Commission and the Plebiscite Administrator will determine, in consultation with the Government of India, the final disposal of Indian and State armed forces, such disposal to be with due regard to the security of the State and the freedom of the plebiscite;

(b) As regards the territory referred to in A-2 of Part II of the resolution of August 13, final disposal of the armed forces in that territory will be determined by the Commission and the Plebiscite Administrator in consultation with the local authorities.

5. All civil and military authorities within the State and the principal political elements of the State will be required to co-operate with the Plebiscite Administrator in the preparation for and the holding of the plebiscite.

6. (a) All citizens of the State who have left it on account of the disturbances will be invited and be free to return and to exercise all their rights as such citizens. For the purpose of facilitating repatriation there shall be appointed two Commissions, one composed of nominees of India and the other of nominees of Pakistan. The Commissions shall operate under the direction of the Plebiscite Administrator. The Governments of India and Pakistan and all

authorities within the State of Jammu and Kashmir will collaborate with the Plebiscite Administrator in putting this provision into effect;

(b) All persons (other than citizens of the State) who on or since August 15 1947, have entered it for other than lawful purpose, shall be required to leave the State.

7. All authorities within the State of Jammu and Kashmir will undertake to ensure, in collaboration with the Plebiscite Administrator, that:

(a) There is no threat, coercion or intimidation, bribery or other undue influence on the voters in the plebiscite;

(b) No restrictions are placed on legitimate political activity throughout the State. All subjects of the State regardless of creed, caste or party, shall be safe and free in expressing their views and in voting on the question of the accession of the State to India or Pakistan. There shall be freedom of the press, speech and assembly and freedom of travel in the State, including freedom of lawful entry and exit;

(c) All political prisoners are released;

(d) Minorities in all parts of the State are accorded adequate protection; and

(e) There is no victimisation.

8. The Plebiscite Administrator may refer to the United Nations Commission for India and Pakistan problems on which he may require assistance, and the Commission may in its discretion call upon the Plebiscite Administrator to carry out on its behalf any of the responsibilities with which it has been entrusted.

9. At the conclusion of the plebiscite the Plebiscite Administrator shall report the result thereof to the Commission and to the Government of Jammu and Kashmir. The Commission shall then certify to the Security Council whether the plebiscite has or has not been free and impartial.

10. Upon the signature of the truce agreement the details of the foregoing proposals will be elaborated in the consultations envisaged in Part III of the Commission's resolution of August 13 1948. The Plebiscite Administrator will be fully associated in these consultations.

Commends the Governments of India and Pakistan for their prompt action in ordering a cease-fire to take effect from one minute before midnight of January 1 1949, pursuant to the agreement arrived at as provided for by the Commission's resolution of August 13 1948.

Resolves to return in the immediate future to the sub-continent to discharge the responsibilities imposed upon it by the resolution of August 13 1948, and by the foregoing principles.

Source: 'Strategic Analysis'
oct. 2001
op. cit PP853-854

Sheikh Mohammad Abdullah's Address to Muslim Audience at Hazratbal Mosque Srinagar, on June 24, 1949:

" He declared that the Kashmir Constituent Assembly, which would be convened ~~be~~ ~~convened~~ shortly, would have full and complete power to decide on any matter affecting the future of the State."

(The Hindu, Madras dt 26-6-1949)

According to B. N. Mullick:

" The idea of calling Constituent Assembly was originally of Gopala Swami Ayenger's, but Sheikh turned it to his advantage and pursued it relentlessly"

. . . .

(B.N. Mullick : My years with Nehru
Deep publications
Agra Cantt 1972.)

55

p-227

Appendix 4

Agreement between Military Representatives of India and Pakistan Regarding the Establishment of a Cease-fire Line in the State of Jammu and Kashmir, July 27 1949

This agreement, signed in the presence of the UN, representatives, establishes a cease-fire line in J&K following the 1947-48 armed conflict between the two countries.

1. Introduction

A. The military representatives of India and Pakistan met together in Karachi from July 18 to July 27 1949 under the auspices of the Truce Sub-committee of the United Nations Commission for India and Pakistan.

B. The members of the Indian delegation were: Lieutenant General S M Shrinagesh, Major General K S Thimayya, Brigadier S H F J Manckshaw. As observers: Mr H M. Patel, Mr V Sahay.

C. The members of the Pakistan delegation were: Major General W J Cawthorn, Major General Nazir Ahmad, Brigadier M Sher Khan. As observers: Mr M Ayub, Mr A A Khan.

D. The members of the Truce Sub-committee of the United Nations Commission for India and Pakistan were: Mr Harnando Samper (Colombia), Chairman; Mr William L S William (United States); Lieutenant General Maurice Delvoic, Military Adviser: Mr Miguel A Marin, Legal Adviser.

II. Agreement

A. Considering:

1. That the United Nations Commission for India and Pakistan, in its letter dated July 2 1949 (annex 25), invited the Governments of India and Pakistan to send fully authorised military representatives to meet jointly in Karachi under the auspices of the Commission's Truce sub-Committee to establish a cease-fire line in the State of Jammu and Kashmir, mutually agreed upon by the Governments and India and Pakistan.

2. That the United Nations Commission for India and Pakistan in its letter stated that "The meetings will be for military purpose; political issues will not be considered", and that "They will be conducted without prejudice to negotiations concerning the truce agreement".

3. That in the same letter the United Nations Commission for India and Pakistan further stated that: "The cease-fire line is a complement of the suspension of hostilities, which falls within the provisions of part I of the resolution of August 13 1948, and can be considered separately from the questions relating to Part II of the same resolution".

4. That the Governments of India and Pakistan; in their letters dated July 7 1949 to the

Chairman of the Commission accepted the Commission's invitation to the military conference in Karachi.

B. The delegations of India and Pakistan, duly authorised, have reached the following agreement:

1. Under the provisions of Part I of the resolution of August 13 1948, and as a complement of the suspension of hostilities in the State of Jammu and Kashmir on January 1 1949 a cease-fire line is established.

2. The cease-fire line runs from *Manawar* in the south, north to *Keran* and from *Keran* east to the glacier area, as follows:

(a) The line from Manawar to the south bank of the Jhelum River at Urusa (inclusive to India) is the line now defined by the factual positions about which there is agreement between both parties. Where there has hitherto not been agreement, the line shall be as follows:

(i) In Patrana area: Kohel (inclusive to Pakistan) north along the Khuwala Kas Nullah up to Point 2276 (inclusive to India), thence to Kirni (inclusive to India).

(ii) Khambha, Pir Satwan, Point 3150 and Point 3606 are inclusive to India, thence the line runs to the factual position at Bangla Gala, thence to the factual position at Point 3300.

(iii) In the area south of Uri the positions of Pir Kanthi and Ledi Gali are inclusive to Pakistan.

(b) From the north bank of the Jhelum River the line runs from a point opposite the village of Urusa (NL 972109), thence north following the Ballaseth Da Nar Nullah (inclusive to Pakistan) up to NL 973140, thence northeasrt to Chhota Qazinag (Point 10657, inclusive to India), thence to NM 010180, thence to NM037210, thence to Point 11825 (NM 025354, inclusive to Pakistan) thence to Tutmari Gali (to be shared by both sides, posts to be established 500 yards, on either side of the Gali), thence across the Danna ridge (following the factual positions) to Richmar Gali (inclusive to India), thence north to Thanda Katha Nullah; thence north to the Kishanganga River. The line then follows the Kishanganga River up to a point situated between Jargi and Tarban, thence (all inclusive to Pakistan) to Bankoran, thence north-east to Khori, thence to the hill feature 8930 (in Square 9053), thence straight north to point 10164 (in square 9057), thence to point 10323 (in square 9161), thence northeast straight to Guthur, thence to Bhutpathra, thence to NL 980707, thence following the Bugina Nullah to the junction with the Kishanganga River at Point 4739. Thereafter the line follows Kishanganga River to Keran and onwards to Point 4996 (NL 975818).

(c) From Point 4996 the line follows (all inclusive to Pakistan) the Jamgar Nullah eastward to Point 12124, to Katware to Point 6678, then to the northeast to Sarian (Point 11279), to Point 11837, to Point 13090, to Point 12641, thence east again to Poinit 11142, thence to Dhakki, thence to Point 11415, thence to Point 10301, thence to Point 7507, thence to Point 10685, thence to Point 8388, thence south-east to Point 11812. Thence the line runs (all inclusive to India) to Point 13220 thence across the River to the east to Point 13449 (Durmat), thence to Point 14586 (*Anzbari*), thence to Point 13554, thence to Milestone 45 on the *Burzil* Nullah, thence to the east to *Ziankal* (Point 12909), thence to the southeast to Point 11114, thence to Point 12216, thence to Point 12867, thence to the east to Point 11264, thence to Karo (Poiint 14985), thence to Point 14014, thence to Point 12089, thence following the track to Point 12879. From there the line runs to Point 13647 (*Karobal Gali*, to be shared by both sides). The cease-fire line runs thence through *Retagah Chhish* (Poinit 15316), then through

p. 229

Point 15889, thence through Point 17392, thence through Point 16458, thence to *Marpo La* (to be shared by both sides), thence through Point 17561, thence through Point 17352, thence through Point 18400, thence through Point 16760, thence to (inclusive to India), *Dalunang*.

(d) From Dalunang eastwards the cease-fire line will follow the general line Point 15495, Ishmam, Manus, Gangam, Gunderman point 13620, Junkar (Point 17628), Marmak, Natsara, Shangruti (Point 17531), Chorbat La (Point 16700), Chalunka (on the Shyok River) Khor, thence north to the glackiers. This portion of the cease-fire line shall be demarcated in detail on the basis of the factual position as of July 27 1949 by the local commanders; assisted by United Nations Military Observers.

C. The cease-fire-line described above shall be drawn on a one-inch map (where available) and then be verified mutally on the ground by local commanders on each side with the assistance of the United Nations Military Observers, so as to climate any no-man's land. In the event that the local commanders are unable to reach agreement, the matter shall be referred to the Commission's Military Adviser, whose decision shall be final. After this verification, the Military Adviser will issue to each High Command a map on which will be marked the definitive cease-fire line.

D. No troops shall be stationed or operate in the area of the Burzil Nullah from south of Minimarg to the cease-fire line. This area is bounded on the west by the ridge leading northeast from Dudgaikal to Point 13071, to Point 9447, to Point 13463, and on the east by the ridge running from Point 12470 to Point 11608, to Point 13004, to Point 13976, to Point 13450. Pakistan may, however, post troops on the western [side] of the above ridges to cover the approaches to Kamri Bal Pass.

E. In any dispositions that may be adopted in consequences of the present agreement troops will remain at least 500 yards from the cease-fire line except where the Kishanganga River constitutes the line. Points which have been shown as inclusive to one party may be occupied by that party, but the troops of the other party shall remain at a distance of 500 yards.

F. Both sides shall be free to adjust their defensive positions behind the cease-fire line as determined in paragraphs. A through E, inclusive, subject to no wire or mines being used when new bunkers and defences are constructed. There shall be no increase of forces or strengthening of defences in areas where no major adjustments are involved by the determination of the cease-fire line.

G. The action permitted by paragraph F above shall not be accompanied or accomplished by the introduction of additional military potential by either side into the State of Jammu and Kashmir.

H. Except as modified by paragraphs A to G, inclusive, above, the Military agreements between the two High Commands relating to the cease-fire of January 1 1949 shall continue to remain operative.

I. The United Nations Commission for India and Pakistan will station observers where it deems necessary.

J. The delegations shall refer this agreement to their respective Governments for ratification. The documents of ratification shall be deposited with the United Nations Commission for India and Pakistan not later than July 31 1949.

p. 230

K. A period of thirty days from the date of ratification shall be allowed to each side to vacate the areas at present occupied by then beyond the cease-fire line as now determined. Before the expiration of this thirty-day period there shall be no forward movement into areas to be taken over by either side pursuant to this agreement, except by mutual agreement between local commanders.

In faith where of the undersigned sign this documents in three original copies.

Done in Karachi on July 27 1949.
For the Government of India
(Signed) S M Shrinagesh

For the Government of Pakistan
(Signed) J Cawthorn
Major General

For the United Nations Commission
For India and Pakistan:
(Signed) Hernando Samper
M Delvoic

op.cit pp. 855- 858.

5/6 ~~53~~ ~~55~~ P-231

Shri N. Gopalaswami ~~said~~ statement in IndianConsembly:

" The will of the people of Kashmir through the Instrument of Constituent Assembly would determine the constitution of the State and Union Jurisdiction over it

. . . . "

(Constituent Assembly of India debate. vol X 57 17 oct. 1949.)

SPECIAL PROVISIONS REGARDING THE STATE OF JAMMU AND KASHMIR.

---

221. The State of Jammu and Kashmir acceded to India on October 26,1947. The form of the Instrument of Accession executed by the Rulerx of the state is the same as that of the Instruments executed by the Rulers of other acceding States. Legally and constitutionally therefore the position of this State is the same as that of the other acceding States. The Government of India, no doubt, stand committed to the position that the accession of this State is subject to confirmation by the people of the State. This, however, does not detract from the legal fact of accession. The State has therefore been included in Part B States. In view of the special problem arising in respect of this State and the fact that the Government of India have assured its people that they would themselves finally determine their political future, the following special provision has been made in the Constitution:

370.(1) Notwithstanding anything in this Constitution.

(a) the provisions of article 238 shall not apply in relation to the State of Jammu and Kashmir;

(b) the power of Parliament to make laws for the said State shall be limited to -

(i) those matters in the Union List and the Concurrent list which, in consultation with the Government of the State, are declared by the President to correspond to matters specified in the Instrument of Accession governing the accession of the State to the Dominion of India as the matters with respect to which the Dominion Legislature may make laws for that State; and

(ii) such other matters in the said Lists as, with the concurrence of the Government of the State, the President may by order specify.

K.T.O.

EXPLANATION:- For the purposes of this article, the Govtt. of the State means the person for the time being recognised by the President as the Maharaja of Jammu and Kashmir acting on the advice of the Council of Ministers for the time being in office under the Maharaja's Proclamation dated the fifth day of March, 1948;

(c) The provision of article I and of this article sahll apply in relation to that State;

(d) Such of the other provisions of this Constitution shall apply in relation to that State subject to such exceptions and modifications as the President may by order specify;

Provided that no such order which relates to the matters specified in the Instrument of Accession of the State referred to in Paragraph (i) of sub-clause (b) shall be issued except in consultation with the Govtt. of the State;

Provided ~~xxx~~ further that no such order which relates to matters other than those referred to in the last preceding proviso shall be issued except with the concurrence of that Government.

(2) If the concurrence of the Government of the State referred to in paragraph (ii) of sub-clause (b) or in the second proviso to sub-caluse (d) of clause (I) be given before the Constituent Assembly for the purpose of framing the Constitution of the State is convened, it shall be placed before such Assembly for such decision as it may take thereon.

(3) Notwithstanding anything in the foregoing provisions of this article the President may, by public notification declare that this article shall cease to be operative or shall be operative only with such exceptions and modifications and from such date as he may specify.

Provided that the recommendation of the Constituent Assembly of the State referred to in clause (2) shall be necessary before the President issues such a notificatio

p-235

The effect of this provision is that the State of Jammu and Kashmir, continues to be a part of India. It is a unit of the Indian Union and Union Parliament will have jurisdiction to make laws for this State on matters specified either in the Instrument of Accession or by later additions with the concurrence of the of the Government of the State. An order has been issued under Article 370 specifying (1) the matters in respect of which the Parliament may make laws for the Jammu and Kashmir State and (2) the provisions, other than Article I and Article370, which shall apply to that State (Appendix LVI). Steps will be taken for the purpose of convening a Constituent Assembly which will go into these matters in detail and when it comes to a decision on them, it will make a recommendation to the President who will either abrogate Article 370 or direct that it shall apply with such modifications and exceptions as he may specify.

—

Source: Typed copy found in old Praja Parishad files J.B.J.P Head office Jammu.

P.-235

Sheikh Mohd. Abdullah's interview with correspondence of the American Magazine "Look" in Sept. 1950

" In case the Security Council finds itself incapable of arriving at a decision in the near future, it is upto the people of the State to find ways and means of asserting their will so as to put an end to the agony and uncertainty of the present situation. They will in that case convene a Constituent Assembly which would determine their stand . . . "

(Goni, Abdul Gani : Sheikh Mohd Abdullah:
An Assessment.
New Kashmir PRESS. Srinagar
year unknown. P-10)

59

p- 236

~~Appendix VI~~

RESOLUTION ADOPTED BY THE GENERAL COUNCIL OF THE ALL J & K NATIONAL CONFERENCE ON THE 27th OCTOBER, 1950

RESOLUTION

This session of the General Council has examined the report submitted by Sir Owen Dixon to the Security Council carefully and as this report suggests novel methods of dealing with the Kashmir issue, which in the opinion of the General Council not only defeat the very objective on which the people of Jammu and Kashmir have placed their faith but by side-tracking the issue violates the fundamental principles embodied in the Charter of the United Nations, the General Council feels that an occasion has arisen which calls for a statement of the basic issues involved in the final determination of the future of the Jammu and Kashmir State.

2. The All Jammu and Kashmir National Conference has consistently maintained that in the determination of the future of this State, the only and supreme factor is the sovereign will of the people expressed freely and democratically. To secure recognition of this inalienable right of the people, the National Conference led the people of this State to mighty struggle against forces within and without the State which denied this right in order to perpetuate themselves as enslavers of the people. A decisive stage of this freedom struggle was reached when the people of this State under the leadership of the National Conference demanded liberation from autocracy entrenched against the will of the people as an essential part of foreign imperialism. While we were facing a violent oppression unleashed against us by autocracy, India was partitioned and the question of the affiliation of the Indian States with one or the other Dominion confronted us suddenly. In accordance with the very basic principles of our movement, we proclaimed that as in the case of the determination of the future of autocracy, the question of accession of the State should be decided by the free will of the people.

p-237

3. While our stand found universal support and recognition among the leaders and people of India which was also given throughout our freedom struggle, the leaders of the Muslim League in Pakistan in complete denial of our democratic right let loose aggression against us by employing forces of communal frenzy and violence. This was a culmination of the reactionary policies of the Muslim League leadership which had throughout our liberation movement opposed the right of the people and given open support to the continued existence of autocracy under which we, along with people in other States, had been groaning for centuries. The people of Kashmir had come in for special attention at their hands as a result of our consistent opposition to the anti-democratic two-nation theory on which the Muslim League leadership had taken its entire stand. They had fully realised that in the event of the people getting an opportunity of exercising their choice freely in regard to their future affiliations, the two-nation theory would be nailed in Kashmir. They, therefore, resorted to a plan of annexing Kashmir by force.

4. The people of Kashmir stood up heroically to resist this challenge to their national honour and existence. The unique spectacle of communal unity and national resistance presented by the people of Kashmir under the leadership of the National Conference at this hour of greatest trial evoked admiration and support from the freedom loving peoples of the world. While the forces of vandalism had taken in their wake the fair meadows and dales of the valley and had left behind a trial of destruction human misery, the people of Kashmir sought the support of the friendly people and Government of India for the preservation of their national integrity which was freely and unstintedly given. This naturally involved the State in entering into a legal association with India without which the

Government of India would not have been in a position to send its armies to Kashmir. Constitutionally and legally this act of accession was final and irrevocable but in keeping with their democratic ideals, the Government of India guaranteed to the people to freely exercise the right to accession after the restoration of normal conditions.

5. The unity of purpose and action forged between the people of Kashmir and India in defence of common ideals and the great liberation role played by the Indian Army resulted in halting aggression and clearing greater parts of our country from the presence of the invader. But yet in order to secure international assistance to undo aggression, India, as a peace-loving country and as a loyal member of the United Nations, placed the Kashmir question before the Security Council.

6. Our case before the Security Council was in the main that Pakistan had committed aggression in Kashmir and had violated the principles of the United Nations and that, therefore, the Security Council should take cognizance of this fact and must call upon Pakistan to withdraw from the territory held forcibly and illegally by her and help in restoring the territorial integrity of the State and the sovereignty of its legal Government. The Security Council sent a Commission to conduct an on the spot investigation of the question.

7. After its prolonged endeavours extending over eighteen months, the Commission reported to the Security Council its failure to secure an agreed solution with regard to the determination of the future status of the State of Jammu and Kashmir. The main cause of the failure was the Commission's inability to grapple with the factor of aggression and its desire to bring about a settlement of the dispute without adjudging on the basic causes of the dispute. The National Conference had repeatedly warned the Security Council and its Commission that any attempt by by-passing the fundamental factor of aggression would end in failure.

8. The sending out to the sub-continent of Sir Owen Dixon as the Mediator offered yet another opportunity to the Security Council to find a just and fair solution of the Kashmir question. After laboured and studied efforts to examine the various aspects of this question, the Mediator in his report to the Security Council came to the categorical conclusion that the actions of Pakistan in sending tribesmen and subsequently her armed forces into the territory of Jammu and Kashmir State was an act of aggression in clear violation of the international law.

9. The inescapable consequence of this judicial pronouncement is to proceed with the task of securing the unconditional withdrawal of all forces illegally sent or maintained by Pakistan on the soil of Jammu and Kashmir and consequently undoing the results of this aggression which had brought about unlawful occupation of these areas so that necesary conditions for the free exercise of the will of people for determining their future would be created. These conditions mainly are :

(i) restoration of the territorial integrity of the State and extension of the sovereignty of the lawful Government of the State over these areas;

(ii) liquidation of the aggressor-sponsored local authority as well as armed bands raised by the aggressor for hostilities;

(iii) rehabilitation and resettlement of nationals of the State uprooted by aggression in conditions of security and normalcy.

10. Contrary to his own finding that aggression had taken place, the Mediator instead of suggesting that conditions following from aggression be undone, suggested :

(a) that the area under the occupation of the aggressor should be secured legally for him;

(b) that the area at present with the lawful Government be further parcelled out arbitrarily into disputed areas;

(c) that the lawful Government should cease to function for a period of six months and should be superceded by alien authority;

(d) that in such a situation forces of the aggressor will be given equal status with the legally constituted authority;

(e) that the legal instrument for the preservation of peace in the State be liquidated.

11. It will thus be seen that the Dixon report while admitting that armed intervention of Pakistan constitutes a flagrant breach of international law accords recognition to the aggressor firstly as an equally party and then bestows upon him title to possess the fruits of his aggression. Further, what the aggressor has not been able to secure by force, is being offered to him by arbitrarily declaring the rest of the territory as under dispute where conditions are proposed to be imposed as being entirely favourable to the aggressor.

12. In the opinion of the General Council, the observations of the Mediator and the methods recommended by him for bringing about a settlement of the Kashmir question are a clear negation of the right of self-determination of the people of the Jammu and Kashmir State. The dismemberment of the state which is contemplated by the Mediator would render the exercise of such right impossible. The All Jammu and Kashmir National Conference has repeatedly maintained that the territorial integrity of the State must remain inviolate and that in determining their future, the unity and the organic homogeneity of the people should not be broken into artificial compartments. The General Council further believes that the only guarantee of the unity of the people and the country is its legally constituted Government, a position which was accepted in the U.N.C.I.P. resolutions to which even Pakistan Government gave their acceptance. The General Council therefore, feels that the attempt in the Mediator's report to bring into question this internationally recognized guarantee is a direct assault on the fundamental rights of the people of the Jammu and Kashmir State.

13. This meeting of the General Council of the All Jammu and Kashmir National Conference views with great concern the repeated failure of the U.N. to redress the wrong of aggression of which the people of the State continue to be victims. This failure in its opinion is due to the continued concessions given to Pakistan by placing a premium on her intransigence.

14. The indecision and unrealistic procedure adopted so far has condemned the people of the State to a life of agonizing uncertainty. The All Jammu and Kashmir National Conference is gravely concerned and cannot any longer afford to ignore the perpetuation of these conditions of doubt and frustration. In the opinion of the General Council, therefore, time has come when the initiative must be regained by the people to put an end to this indeterminate state of drift and indecision.

15. The General Council recommends to the Supreme National Executive of the people to take immediate steps for convening a Constituent Assembly based upon adult suffrage and embracing all sections of the people and all the Constituents of the State for the purpose of determining the future shape and affiliations of the State of Jammu and Kashmir. In this sovereign Assembly embodying the supreme will of the people of the State, we shall give ourselves and our children a constitution worthy of the traditions of our freedom struggle and in accordance with the principles of New Kashmir.

p-242

~~58~~ 60

Appendix VII

YUVRAJ KARAN SINGH'S PROCLAMATION OF 30th April, 1951

Whereas it is the general desire of the people of the state of Jammu and Kashmir that an Assembly should be brought into being for the purpose of framing a Constitution for the State.

Whereas it is commonly felt that the convening of the assembly can no longer be delayed without detriment to the future well-being of the State.

And whereas the terms of proclamation of the Maharaja dated 5th March, 1948 in regard to the convening of a national assembly as contained in clauses 4 to 6 of the operative part thereof do not meet the requirements of the present situation.

I, Yuvraj Karan Singh, do hereby direct as follows :

(1) A Constituent Assembly consisting of representatives of the people, elected on the basis of adult franchise, shall be constituted forthwith for the purpose of framing a Constitution for the State of Jammu and Kashmir.

(2) For the purposes of the said election the State shall be divided into an umber of territorial Constituencies each containing a population of 40,000 or as near thereto as possible, and each electing one member. A Delimitation Committee shall be set up by the Government to make recommendations as to the number of constituencies and the limit of each Constituency;

(3) Election to the Constituent Assembly shall be on the basis of adult suffrage, that is to say, every person who is a state-subject of any class, as defined in the

p-243

Notification No. . . ., is not less than twenty-one years of age on the First day of March, has been a resident in the Constitutency for such period as may be prescribed by the rules, shall be entitled to register in the electoral rolls of the Constituency, provided that any person who is of unsound mind or has been so declared by a competent Court, shall be disqualified for registration.

(4) The vote of election shall be by direct and secret ballot;

(5) The Constituent Assembly shall have power to act notwithstanding any vacancy in the membership thereof;

(6) The Constituent Assembly shall frame its own agenda and make rules for the governing of its procedure and the conduct of its business.

The Government shall make such rules and issue such instructions and orders as may be necessary to give effect to the terms of this proclamation.

Source. Bhushan, Vidya; State politics Governme
~~And politics~~ Jammu & Kashmi
op. cit pp. 382-3

A letter to State Election Commission sent by ~~P. P. G. Secretary~~ : Praja Parishad General Secretary, 1951

Dear Sir,

The Praja Parishad has decided to contest elections to the Constituent Assembly and for this purpose our workers in the field are already working day and night for the success. We are receiving constant demand from the field that we must have a paper of our own to give proper publicity to our cause and to make the voters conscious of the value of votes. It is not possible to go from village village and from voter to voter to make known the instructions issued time after time by the organization. The necessity of Newspape durin all times and especially in the present democratic set up cannot be over-emphasised. Your Govt; have proclaimed so often to the outside world that there is complete freedom of speech and Press in the Stat and I am certain and confident that the Govt; have no intention denying the same to our organization.

But I am sorry to point out that inspite of repeated requests to the local authorities, this just and democratic demand has not been acceded, this just and democratic demand has not been acceded so far. The first request for the purpose was made about six months back to the District Magistrate Jammu.

Now we are in the thick of election work and the need of the paper is more pressing. I therefore request you kindly to ask the local authorities to accord the necessary sanction and accept our declaration of a paper named" Swadesh " already filed with the District Magistrate Jammu. Since the elections are fast approachi an early action in the matter is desired.

Yours faithfully,

Source : Copy found in old Praja Parishad file
BJP. Head office. Jammu.

62 ~~59~~ ~~61~~

P-245

IRREGULARITIES IN JAMMU ELECTIONS

The following statement was issued to the press by Pt. [illegible] Nath Dogra, President of the Jammu Praja Parishad, at a press conference held in New Delhi on XXXXX Saturday, Oct. October 5,

1951

You must have read a lot about the elections to the Constituent Assembly of the Jammu and Kashmir State, but I feel that you have been given only one side of the picture. So, I would like to give you some facts about these elections and to leave it to you to judge for yourself in regard to the real situation in Jammu.

THE PRAJA PARISHAD

& Jammu
P.P. launched
a satyagraha
[illegible] movement

The Praja Parishad is the strongest political party of the people of Jammu for the past so many years, just as the "National Conference" has been of the people of Kashmir, but ever since the present administration has been set up in the State, there has been a regular campaign of vilification and harrassment of the people of Jammu. It was against this maltreatment two years back, which was withdrawn on the definite assurance that there would be no discrimination in treatment between the people of the two provinces of Jammu and Kashmir by the administration.

The Praja Parishad is not a communal organisation in any sense of the term, which fact becomes clear from the fact that it has on its membership rolls hundreds of Muslims. Some of them have been addressing public meetings from the Praja Parishad platform, but the government has adopted the tactics of dubbing these Muslim members of the Praja Parishad as Pakistanis, one of them was given a beating by the local officials, while another has been externed from the State and is today staying in India.

Ever since the partition of India, the Praja Parishad has unequivocally stood for unconditional accession of the Jammu and Kashmir State to the Indian Union, while the National Conference has ever till today not agreed to complete merger of the State to the Indian Union and wants defence, external affairs and communications alone to be controlled by the Central Government of India. Even in the present election, the Praja Parishad demands the application of the entire Indian Constitution to the Jammu and Kashmir State like all the other "B" and "C" Class States that have acceded to the Indian Union, while the National Conference wants a separate constitution for the ~~National Conference wants a separate constitution for the~~ Jammu and Kashmir State for reasons best known to itself.

PRAJA PARISHAD VERSUS NATIONAL CONFERENCE.

From the above it is clear that there are fundamental and basic differences between the National Conference and the Praja Parishad over the question of the State's accession to the Indian Union; while the Praja Parishad stands for XXX unconditional accession to India, the National Conference has reservations in this regard and the conflicting statements and actions of the XXXX National Conference leaders during the last four years create grave suspicions in the minds of the people of the state.

The present elections to the constituent Assembly of the Jammu & Kashmir state are also being fought on this very issue and that is the reason XXXX why the National Conference has been making attempts to prevent the Praja Parishad from entering the Constituent Assembly.

With this [illegible] in view, the government, which is another name for the National Conference, is adopting all means, fair and foul, to prevent real representatives of the people from entering the Constituent Assembly. It was a result of this policy that no opposition candidates dared to file thir nomination papers in any of the 43 out of the45seats or the Assembly in Kashmir Province and the two candidates who did dare to file their nominations were compelled to withdraw them by undue presure.

As regards Jammu Province, this intimidation on the part of the National Conference -cum GOvernment could not succeed as the Parja Parshid is the strongest political organization of this province for so many years past and the National Conference has not even existed, its activities having been confined ever since 1922 when it was borne as the Kashmir Muslim Conference to the Kashmir valley alone. So attemps are being made according to a well laid plan to prevent the praja Parshid from having any effective vioice in the Constituent Assembly.

TACTICS ADOPTED

The first thing the National Conference Government did was to decid not to hold elections in the provinces of Kashmir and Jammu simultaniously. Every body was surprised to find that while the nominations were being filed in the Kashmir valley even the final voxters lists had not been made public for Jammu province . It was after the"unapposed elections" of the National conference candidates had been announced in Kashmir, that the dates for nominations in Jammu province were announced with the deleborate intentions of influencing the elections in Jammu.

IRREGULAR DELIMITATION

...n Province
...d out in
arbitrary
...ld that
...s of leading
of the P.P.
...ken up into
... the
...cias

Another tactic adopted against the Praja Parshid was that the Parishad was given no representation on the Delimitation Committee although at first the Praja Parshid was assured that its representatives would be associated with the Committee but later this was not done , with the result that the delimitation of the constitutiencies as fixed by the delimitation Committee are altogether opposed to the principles of contiguity compactness of the areas as the bases of delimination Committee with a view to benefit the party in power.

The following spefic instances will be sufficient to prove the above contention of the Parja Prishad:-

✓ 1. While fixing the constitutuencies for the city of Jammu, Jammu Patwar, which is contiguous with Jammu city, was split up and a major portion of it was taken to the Kohna Chak constitutuency in Jammu tehsil, while the remainder was attached to the southern constituency of Jammu city to which was also added the Bahu Patwar on the other side of the river Tawi. A protest meeting against this un-natural delimination was held and a resolution was adopted and sent to the Government on September 8th, 1951 but with no result.

2. Sari Patwar, across the river Ehini, which is a natural part of Basholi constituency was cut off from this constituency and was attached to the Billawer Constituency, because this Patwar was taken to be in favour of the National conference Candidates standing from the Billawar constituency. This division is quite un-natural and deliberately partial.

NO GENERAL SEATS IN 3 CONSTITUENCIES

The thrid method adopted against Parja Parshid was that the areas where Parshid was the strongest have been debared from sending any candidates other than membersof the scheduled castes, although the population of scheduled caste members there was comparatively very small, In India scheduled castes and tribes have been given seats in addition general seats, but not at the cost of general electorate, except

P-247

in those areas where the entire population has consisted of such caste and tribes, but in Jammu the delimitation Committee has set apart three constituencies of Reasi Kahna Chak and Bishna, for the Harijans only. If instead of these constituencies [illegible] reserved ~~th~~ three seats had been set apart for these Harijans in addition to general seats, ther would have been no injustice to the general electorate, which has thus been d barred from being represented in the Constituent Assembly, although [illegible] majority of the population in all these areas.

The most glaring instance of the unfair delimination of the constitutiencies was the one in regard to Kistwar which has the largest population of Harijans as no representation has been given to Harijans there, the reason is simple. The Harijan candidate of the Praja Praghid in this area Mr, Jagat Ram Arya was sure to get elected ~~while~~ by an overwhelming majority. He was a member of the ~~Rm~~ Praja Sabha or the Legislative Assembly of the state last time. The government first tried to win him over to the side of national conference. On his refusal he was arrested and sent to Jail. He was however ordered to be released by the High Court as a result of a habeas corpus application The Government then banned his entry into his home district of Kishtwar, by interning him in Srinagar, when there were protests against this alround, The Delimitation Committee debarred Kishtwar from returning a Harijan Candidate, thus making it impossible for the Praja Parshid candidate Mr, Jagat Ram Aryah from being elected to Consttituent Assembly.

The praja Parshid protested against these injustices, bu to no effect.

OUT OF THE WAY POLLING STATIONS

The fourth handicaps put in the way of the Paraja Parshid coming out successful was to fix the polling stations at out, of the way places, where the National Conference, Government resources alone could carry the voters, and not the central places.

41 OUT OF 65 NOMINATIONS REJECTED

The fifth and the most atrocious attempt that was made against the praja Parshid was that no less than 41 out of the 65 nominations filed by the Praja Parshid for 27 of the 30 seats from the Jammu province were rejected on the most flimsy grounds, while not a single nomination paper of any National Conference Candidate was rejected, although the Praja Parshid filed very serious objections against a number of them.

As the Praja Parshid had expected trouble in connection with the nominations, it had taken the precautions of filling the nominations of more than one candidate from 24 constituencies and in some places the number ~~the number~~ of the Prashad nominations was even 3 & 4 but dtermimed as the returning officers were not to let the praja parshid contest these seats, all the 2 or 3 or 4 nominations of the parshaid candudate were rejected on one ground or the other, The details of the rejection of these nomination papers would therefore prove very interesting and deserve to be mentioned in some detail.

1. In the Billawrr constituency, four nominations were file for Dhyan Singh Tara Chand, Thakur Dass and Ram Chand. All the four nomination papers were rejected on the ground that the ~~papers~~ proposers and seconders of these candidates were not able to produce state subject certificates, though no such condition ~~xx~~ was necessary according to the election rules.

As against this, the nomination papers of the National Conference candidate named Ram Chandra Khajuria ~~was~~ was accepted although his proposer and seconder too could not produce any state subject certificates and in addition his name was entered in the official electorale roll as Amar Chand and not as Ram Chandr

2. For the Hiranagar ~~xx~~ constituency, The Parshid filed three nomination papers for Baldev Singh, Rudra Nand, Ram Dut

Jwala Prakash. The nominations of the first three choices were rejected on the same basis of the "State Subject Certificate and that of the last named candidate alone was accepted as the returning officer said he personally now the proposer and the seconder.

For the Basohali consituency, the Pra-prashid filled three nomination papers in the name of Tara Chand , Jagidish Sharma and Ramchand. The nominations of the first two were rejected on the same ground of the State Subject certificate, but the nomination of Mr. Ramchand eas rejected on the plea that he was a Government servant , although he had brought with him his resignation letter duly accepted by his officer. This resignation was not considred sufficient.

3. As against this ,the nominati n paper of the National Conference candidate, Mahant Ram, was accepted as valid, although he had not attatched with his nomination the form of declaration specifying his election agent, the filling of which was compulsory for all candidates.

4. For the Kathua consituency, the Parishad had set up no less than five candidates named Chagar Singh Suridndra Nath, Prithvi Singh, Ranjit Singh and Vidya Prakash. The nominations of the first two were rejectedon the same plea of State Subject Certificate. The nominati ns of Prithvi Singh and Ranjit Singh were rejected on the ground that they had been arrested in connection with the political movement in Jammu. The nomination of the fifth candidate was alone accepted as no fault could be found with his nomination paper.

As against this ,the nomination paper of the National Conference candidate, Maj. Piyar Singh, was held valid , although he had not attatched with the necessary declaration as required by the rules.

5. For the Ramnagar consituency, three nomination papers were filled by the Praja Parashid for Hans Raj, Amrit Sagar and Shiv Chran.

The nomination paper of Hansraj was rejected on the plea that he was not sure of his serial number on the official electoral roll. According to the original electoral roll his No: appeared to be 490, but in the revised list it was 491. As a precaution , he filled two seperate nomination papers , one giving the number as 490 and the other 491, but both were rejected on the ground that the candidate was not sure of his serial Number.

The nomination paper of Amrit Sagar was rejected on the plea that he was not able to produce a certified copy of his entry in the electoral roll, although he carried an official copy of the roll which contained his name.

The nomination paper of Shiv Chran was rejected on the plea that the name entered in the electoral roll was L. Shiva Charan, while the nomination paper merely stated Shiva Charan even though the father's name and all other particulars tallied fully.

As against this ,the nomination paper of the National Conference candidate, L. Hans Raj, was held as valid, although his name was entered as L. Ham Raj.

In addition, the nomination paper of Raghunath Singh and Dhanvantur Singh from the Samba Consituency, of Shiv Lal from R.S.Pura and Sham Lal from Akhnoor and other were rejected on the basis of clerical mistakes or minor printing errors. The nomination paper of Dharam Paul, a Praja Parishad candidate, was first accepted for the R.S.Pura constiturncy but he was latter beaten and made to withdraw it.

FAVOUR TOWARDS THE NATIONAL CONFERENCE CANDIDATES

Compared to these impediments put in the way of the Praja Parishad candidates, the way the National Conference candidates were favoured is illustrated by the following:-

K.T.O

The ame of Shrimati Ram Dei, who had been set up by the onference for the Jammu city southern consituency, appeared ectoral roll as Mrs. Brigadier Ranjindra Singh and not as Still her nomination paper was accepted.

The name of the National Conference candidates from Samba Sagra Singh as well as that of his seconder did not tally the entries in the electoral roll. Even then his nomination ~~was~~ was held valid.

The father's name of Chhllo Singh, the National Conference candidate from the Chhamb consituency, according to the State-subject certificate is Barita, but in the electoral roll it was entered as Briti Singh. In addition, he is a Jat in the State-subject certificate, but is entered as a sikh in the electoral roll. Still, his nomination was held valid.

Although the election rule laid down that the objections on all nomination papers should be decided on one and the same day, in Kathua consituency, they were held over for the second day on the plea that both the presiding officers had fallen ill simultanously, with a view to help the National Conference candidates.

The above instances are only illustrated and not exaustive. How far the elections in Jammu can be fair and free can easily be made out from these.

OFFICIAL INTERFERENCE

In addition to this, the entire administrative machinery of the National Conference Government has been geared to carry on propaganda of the most malicious type against the Praja Parishad, under the direct supervision of the Dy. Prime Minister of the State, who has been touring the Jammu province, threatening and intimidating the people against supporting the Parishad.

The Deputy Commissioner of Kathua, accompanied by the Minister, Sh. Girdhari Lal Dogra has been touring and ad ressing the public meetings in favour of the National Conference candidates. He has cancelled the arms licences of many people in the border areas who did no support the national conference candidates and gave gresh licences to those who opposed the Praja-parishad.

In the same way, the Tehsildar, and the Naib-tehsildar of Ramnagar have been doing open propaganda work in favour of the National Conference against the Praja-parishad.

The above are some of handicaps which make it impossible for the Praja-parishad to have a fair deal in these elections.

MR.GOPALSWAMI AYYANGAR HELPLESS

I can to meet the Minister of States, Mr. N. Gopalaswami Ayyangar, to point out to him all these irregularities in the hope that he would be able to secure a fear deal for the Praja Parishad in Jammu, but i regrette to find that beyond ~~some~~ some vague assurances, he has not been able to assure me ~~that~~ that the Praja Parishad could expect justice and fair play in these elections.

IMPARTIALITY NECESSARY

If the Government of India and the State Government want the formation of a truly representative constituent assemble for the Jammu and Kashmir State, the least they must do is:-

1. To hold an independent, Judicial enquiry to the rejection of t the nomination paper of the Praja-parishad candidates, thereby enabling the Praja-prishad to contest in all the 27 consituencies from where it had originally set up its candidates.
2. To appoint some supreme court Judge to conduct the elections in Jammu, to assure perfect impartiality.
3. To prevent Government servants from working for candidates of any party in the sate.

Source: A copy of the letter found in old Praja parishad files. BJP. Head office Jammu.